SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIFTH GENERAL ASSEMBLY

163RD LEGISLATIVE DAY

WEDNESDAY, MAY 28, 2008

2:38 O'CLOCK P.M.

NO. 163
[May 28, 2008]

SENATE
Daily Journal Index
163rd Legislative Day

The Senate met pursuant to adjournment.
Senator Rickey R. Hendon, Chicago, Illinois, presiding.
Prayer by Reverend Joseph Eby, Chatham Presbyterian Church, Chatham, Illinois.
Senator Wilhelmi led the Senate in the Pledge of Allegiance.

The Journal of Friday, May 23, 2008, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Tuesday, May 27, 2008, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Illinois Higher Education Annual Report 2007-2008, submitted by the Illinois Board of Higher Education.

DOT Affirmative Action Plan 2008, submitted by the Department of Transportation.

The foregoing reports were ordered received and placed on file in the Secretary's Office.

LEGISLATIVE MEASURES FILED

The following Floor amendments to the House Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Senate Floor Amendment No. 2 to House Bill 4545
Senate Floor Amendment No. 2 to House Bill 4622
Senate Floor Amendment No. 1 to House Bill 5088

MESSAGES FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
Springfield, Illinois 62706

May 27, 2008

Ms. Deborah Shipley
Secretary of the Senate
403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Ira Silverstein to resume his position on the Senate Judiciary-Civil Committee. This appointment is effective immediately.

Sincerely,
s/Emil Jones, Jr.

Senate President

cc: Senate Minority Leader Frank Watson

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
Springfield, Illinois 62706

May 27, 2008

Ms. Deborah Shipley
Secretary of the Senate
403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Ira Silverstein to resume his position on the Senate Judiciary-Criminal Committee. This appointment is effective immediately.

Sincerely,
s/Emil Jones, Jr.
Senate President

cc: Senate Minority Leader Frank Watson

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
Springfield, Illinois 62706

May 28, 2008

Ms. Deborah Shipley
Secretary of the Senate
403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator Louis Viverito to resume his position as a member of the Senate Rules Committee. This appointment is effective immediately.

Sincerely,
s/Emil Jones, Jr.
Senate President

cc: Senate Minority Leader Frank Watson

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 737
Offered by Senator Althoff and all Senators:

Mourns the death of Terrence Amore of Richmond.

SENATE RESOLUTION NO. 738

Offered by Senator Dillard and all Senators:
Mourns the death of Donald Wilson of Downers Grove.

SENATE RESOLUTION NO. 739

Offered by Senators Hunter – Clayborne – Bomke and all Senators:

By unanimous consent, the foregoing resolutions were referred to the Resolutions Consent Calendar.

Senator Noland offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

SENATE JOINT RESOLUTION NO. 102

WHEREAS, The members of the Illinois General Assembly are pleased to honor the life and legacy of America's greatest champion of racial justice and equality, Dr. Martin Luther King Jr.; and

WHEREAS, Martin Luther King Jr. was born on January 15, 1929 in Atlanta, Georgia; after attending Morehouse College in Atlanta, Dr. King went on to study at Crozer Theological Seminary in Pennsylvania and Boston University, where he deepened his understanding of theological scholarship and explored Mahatma Gandhi's nonviolent strategy for social change; and

WHEREAS, Dr. Martin Luther King Jr. married Coretta Scott in 1953; the following year, he accepted the pastorate at Dexter Avenue Baptist Church in Montgomery, Alabama; he received his Ph.D. in systematic theology in 1955; and

WHEREAS, On December 5, 1955, after civil rights activist Rosa Parks refused to comply with Montgomery, Alabama's segregation policy on buses, African-American residents launched a bus boycott; the group elected Dr. Martin Luther King Jr. president of the newly-formed Montgomery Improvement Association; the ensuing boycott continued throughout 1956, with Dr. King gaining national prominence for his role in the campaign; in December of 1956, the United States Supreme Court declared Alabama's segregation laws unconstitutional and Montgomery buses were desegregated, landing Dr. King his first major civil rights victory; and

WHEREAS, Building upon the success in Montgomery, Dr. Martin Luther King Jr. and other southern black ministers founded the Southern Christian Leadership Conference (SCLC) in 1957; in 1959, Dr. King toured India and further developed his understanding of Gandhian nonviolent strategies; he resigned from Dexter later that year, returning to Atlanta to become co-pastor of Ebenezer Baptist Church with his father; and

WHEREAS, In the spring of 1963, Dr. Martin Luther King Jr. and SCLC led mass demonstrations in Birmingham, Alabama, where local white police officials were known for their violent opposition to integration; clashes between unarmed black demonstrators and police armed with dogs and fire hoses generated newspaper headlines throughout the world; President John F. Kennedy responded to the Birmingham protests by submitting broad civil rights legislation to Congress, which led to the passage of the Civil Rights Act of 1964; and

WHEREAS, Further civil rights mass demonstrations culminated in the March on Washington for Jobs and Freedom on August 28, 1963, in which more than 250,000 protesters gathered in Washington, D.C.; on that day, Dr. Martin Luther King Jr. delivered his famous "I Have a Dream" speech on the steps of the Lincoln Memorial; his renown continued to grow as he became Time Magazine's Man of the Year in 1963 and the recipient of the Nobel Peace Prize in 1964; and

WHEREAS, Undeterred by rival civil rights factions and resistance from national political leaders, Dr.

Martin Luther King Jr. continued his march for freedom with his public criticism of U.S. intervention in the Vietnam War, which led to strained relations with President Lyndon Johnson's administration; in late 1967, Dr. King initiated a Poor People's Campaign designed to confront economic problems that had not been addressed by earlier civil rights reforms; the following year, while supporting striking sanitation workers in Memphis, Tennessee, he delivered his final address, "I've Been to the Mountaintop" ; and

WHEREAS, On April 4, 1968, the day after delivering his final speech, Dr. Martin Luther King Jr. was shot and killed as he stood on the balcony of the Lorraine Motel in Memphis, Tennessee; this tragic event marked the end of the life of this great leader, yet did not destroy the movement he helped create; and

WHEREAS, The intense effort and incredible sacrifices that Dr. Martin Luther King Jr. gave in order to secure the basic freedoms of all men and women must be honored in the greatest fashion; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we designate Route 20 within the Elgin city limits as the Dr. Martin Luther King Jr. Memorial Highway in honor of this visionary leader; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the designation of the Dr. Martin Luther King Jr. Memorial Highway; and be it further

RESOLVED, That suitable copies of this resolution be presented to the Elgin City Council, the Kane County Board, the Secretary of the Illinois Department of Transportation, and the family of Dr. Martin Luther King Jr. as a symbol of our esteem and respect.

Senator Noland offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

SENATE JOINT RESOLUTION NO. 103

WHEREAS, The members of the General Assembly are pleased to recognize milestone occasions in the State of Illinois; and

WHEREAS, The City of Elgin was willed a tract of land in far west Elgin in 1903 and built a golf course on this land in 1907, naming it Wing Park Golf Course; and

WHEREAS, The City of Elgin opened the golf course for play by the public in 1908 and has continuously owned and operated it since 1908; and

WHEREAS, The Wing Park Golf Course is the oldest nine hole municipal golf course in the State of Illinois; and

WHEREAS, The Wing Park Golf Course hosted the Illinois National Guard Encampment in 1909 and 1911; and

WHEREAS, the City of Elgin Historic Commission has recognized the Wing Park Golf Course as a Historic Place and the National Registry of Historic Places has recognized the Wing Park Golf Course as a National Historic Place; and

WHEREAS, The City of Elgin continues to maintain the Wing Park Golf Course for the use and benefit of citizens throughout the northeastern Illinois region; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we

offer our congratulations to the people of Elgin as they celebrate this momentous occasion; and be it further

RESOLVED, That a suitable copy of this resolution be presented to a representative of Wing Park Golf Course as a symbol of our respect.

REPORTS FROM STANDING COMMITTEES

Senator Schoenberg, Chairperson of the Committee on Appropriations II, to which was referred **House Bill No. 6339,** reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

Senator Sullivan, Chairperson of the Committee on Agriculture and Conservation, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to House Bill 1768

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Meeks, Chairperson of the Committee on Human Services, to which was referred **House Bill No. 953,** reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

Senator Meeks, Chairperson of the Committee on Human Services, to which was referred **House Bills Numbered 4212 and 4449,** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Demuzio, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred **Senate Resolutions numbered 590 and 628,** reported the same back with the recommendation that the resolutions be adopted.

Under the rules, **Senate Resolutions numbered 590 and 628** were placed on the Secretary's Desk.

Senator Demuzio, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred **Senate Joint Resolution No. 101,** reported the same back with amendments having been adopted thereto, with the recommendation that the resolution, as amended, be adopted.

Under the rules, **Senate Joint Resolution No. 101** was placed on the Secretary's Desk.

Senator Demuzio, Chairperson of the Committee on State Government and Veterans Affairs Subcommittee on Special Issues and Amendments, to which was referred **House Joint Resolutions numbered 92 and 107,** reported the same back with the recommendation that the resolutions be adopted.

Under the rules, **House Joint Resolutions numbered 92 and 107** were placed on the Secretary's Desk.

Senator Demuzio, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 782; Motion to Concur in House Amendment 1 to Senate Bill 2431

Under the rules, the foregoing motions are eligible for consideration by the Senate.

Senator Harmon, Chairperson of the Committee on Revenue, to which was referred **House Bill No. 4179,** reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Harmon, Chairperson of the Committee on Revenue, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 788
Senate Amendment No. 2 to Senate Bill 790

Senate Amendment No. 1 to House Bill 5069

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Silverstein, Chairperson of the Committee on Executive, to which was referred **House Bills Numbered 4137 and 4653,** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Silverstein, Chairperson of the Committee on Executive, to which was referred **House Bill No. 2651,** reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Lightford, Chairperson of the Committee on Education, to which was referred **House Bill No. 4727,** reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Lightford, Chairperson of the Committee on Education, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to House Bill 1141

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Delgado, Chairperson of the Committee on Licensed Activities, to which was referred **House Bill No. 4673,** reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

Senator Delgado, Chairperson of the Committee on Licensed Activities, to which was referred **House Bills Numbered 4249 and 4778,** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Maloney, Chairperson of the Committee on Higher Education, to which was referred **House Bill No. 5059,** reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Collins, Chairperson of the Committee on Financial Institutions, to which was referred **House Bill No. 4461,** reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Crotty, Chairperson of the Committee on Local Government, to which was referred **House Bill No. 4545,** reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Crotty, Chairpersons of the Committee on Local Government, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 836

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Cullerton and Senator Dillard, Chairpersons of the Committee on Judiciary Civil Law, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 6 to Senate Bill 1029

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Cullerton and Senator Dillard, Chairpersons of the Committee on Judiciary Civil Law, to which was referred the Motion to Concur with House Amendment to the following Senate Bill, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 2435

Under the rules, the foregoing motion is eligible for consideration by the Senate.

Senator Wilhelmi, Chairperson of the Committee on Judiciary Civil Law, to which was referred **House Bills Numbered 2748, 2769 and 4668,** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Wilhelmi, Chairperson of the Committee on Judiciary Criminal Law, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 3 to House Bill 4879

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

MESSAGES FROM THE HOUSE

A message from the House by
Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2380

A bill for AN ACT concerning regulation.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 2 to SENATE BILL NO. 2380

Passed the House, as amended, May 27, 2008.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 2 TO SENATE BILL 2380

AMENDMENT NO. 2. Amend Senate Bill 2380 as follows:

on page 1, immediately below line 3, by inserting the following:

"Section 1. Short title. This Act may be cited as the Hospital Uninsured Patient Discount Act.

Section 5. Definitions. As used in this Act:

"Cost to charge ratio" means the ratio of a hospital's costs to its charges taken from its most recently filed Medicare cost report (CMS 2552-96 Worksheet C, Part I, PPS Inpatient Ratios).

"Critical Access Hospital" means a hospital that is designated as such under the federal Medicare Rural Hospital Flexibility Program.

"Family income" means the sum of a family's annual earnings and cash benefits from all sources before taxes, less payments made for child support.

"Federal poverty income guidelines" means the poverty guidelines updated periodically in the Federal Register by the United States Department of Health and Human Services under authority of 42 U.S.C. 9902(2).

"Health care services" means any medically necessary inpatient or outpatient hospital service, including pharmaceuticals or supplies provided by a hospital to a patient.

"Hospital" means any facility or institution required to be licensed pursuant to the Hospital Licensing Act or operated under the University of Illinois Hospital Act.

"Illinois resident" means a person who lives in Illinois and who intends to remain living in Illinois indefinitely. Relocation to Illinois for the sole purpose of receiving health care benefits does not satisfy the residency requirement under this Act.

"Medically necessary" means any inpatient or outpatient hospital service, including pharmaceuticals or supplies provided by a hospital to a patient, covered under Title XVIII of the federal Social Security Act for beneficiaries with the same clinical presentation as the uninsured patient. A "medically necessary" service does not include any of the following:

(1) Non-medical services such as social and vocational services.

(2) Elective cosmetic surgery, but not plastic surgery designed to correct disfigurement caused by injury, illness, or congenital defect or deformity.

"Rural hospital" means a hospital that is located outside a metropolitan statistical area.

"Uninsured discount" means a hospital's charges multiplied by the uninsured discount factor.

"Uninsured discount factor" means 1.0 less the product of a hospital's cost to charge ratio multiplied by 1.35.

"Uninsured patient" means an Illinois resident who is a patient of a hospital and is not covered under a policy of health insurance and is not a beneficiary under a public or private health insurance, health benefit, or other health coverage program, including high deductible health insurance plans, workers' compensation, accident liability insurance, or other third party liability.

Section 10. Uninsured patient discounts.

(a) Eligibility.

(1) A hospital, other than a rural hospital or Critical Access Hospital, shall provide a discount from its charges to any uninsured patient who applies for a discount and has family income of not more than 600% of the federal poverty income guidelines for all medically necessary health care services exceeding $300 in any one inpatient admission or outpatient encounter.

(2) A rural hospital or Critical Access Hospital shall provide a discount from its charges to any uninsured patient who applies for a discount and has annual family income of not more than 300% of the federal poverty income guidelines for all medically necessary health care services exceeding $300 in any one inpatient admission or outpatient encounter.

(b) Discount. For all health care services exceeding $300 in any one inpatient admission or outpatient encounter, a hospital shall not collect from an uninsured patient, deemed eligible under subsection (a), more than its charges less the amount of the uninsured discount.

(c) Maximum Collectible Amount.

(1) The maximum amount that may be collected in a 12 month period for health care services provided by the hospital from a patient determined by that hospital to be eligible under

subsection (a) is 25% of the patient's family income, and is subject to the patient's continued eligibility under this Act.

(2) The 12 month period to which the maximum amount applies shall begin on the first date, after the effective date of this Act, an uninsured patient receives health care services that are determined to be eligible for the uninsured discount at that hospital.

(3) To be eligible to have this maximum amount applied to subsequent charges, the uninsured patient shall inform the hospital in subsequent inpatient admissions or outpatient encounters that the patient has previously received health care services from that hospital and was determined to be entitled to the uninsured discount.

(4) Hospitals may adopt policies to exclude an uninsured patient from the application of subdivision (c)(1) when the patient owns assets having a value in excess of 600% of the federal poverty level for hospitals in a metropolitan statistical area or owns assets having a value in excess of 300% of the federal poverty level for Critical Access Hospitals or hospitals outside a metropolitan statistical area, not counting the following assets: the uninsured patient's primary residence; personal property exempt from judgment under Section 12-1001 of the Code of Civil Procedure; or any amounts held in a pension or retirement plan, provided, however, that distributions and payments from pension or retirement plans may be included as income for the purposes of this Act.

(d) Each hospital bill, invoice, or other summary of charges to an uninsured patient shall include with it, or on it, a prominent statement that an uninsured patient who meets certain income requirements may qualify for an uninsured discount and information regarding how an uninsured patient may apply for consideration under the hospital's financial assistance policy.

Section 15. Patient responsibility.

(a) Hospitals may make the availability of a discount and the maximum collectible amount under this Act contingent upon the uninsured patient first applying for coverage under public programs, such as Medicare, Medicaid, AllKids, the State Children's Health Insurance Program, or any other program, if there is a reasonable basis to believe that the uninsured patient may be eligible for such program.

(b) Hospitals shall permit an uninsured patient to apply for a discount within 60 days of the date of discharge or date of service.

(1) Income verification. Hospitals may require an uninsured patient who is requesting an uninsured discount to provide documentation of family income. Acceptable family income documentation shall include any one of the following:

(A) a copy of the most recent tax return;

(B) a copy of the most recent W-2 form and 1099 forms;

(C) copies of the 2 most recent pay stubs;

(D) written income verification from an employer if paid in cash; or

(E) one other reasonable form of third party income verification deemed acceptable to the hospital.

(2) Asset verification. Hospitals may require an uninsured patient who is requesting an uninsured discount to certify the existence of assets owned by the patient and to provide documentation of the value of such assets. Acceptable documentation may include statements from financial institutions or some other third party verification of an asset's value. If no third party verification exists, then the patient shall certify as to the estimated value of the asset.

(3) Illinois resident verification. Hospitals may require an uninsured patient who is requesting an uninsured discount to verify Illinois residency. Acceptable verification of Illinois residency shall include any one of the following:

(A) any of the documents listed in paragraph (1);

(B) a valid state-issued identification card;

(C) a recent residential utility bill;

(D) a lease agreement;

(E) a vehicle registration card;

(F) a voter registration card;

(G) mail addressed to the uninsured patient at an Illinois address from a government or other credible source;

(H) a statement from a family member of the uninsured patient who resides at the same address and presents verification of residency; or

(I) a letter from a homeless shelter, transitional house or other similar facility verifying that the uninsured patient resides at the facility.

(c) Hospital obligations toward an individual uninsured patient under this Act shall cease if that patient unreasonably fails or refuses to provide the hospital with information or documentation requested under subsection (b) or to apply for coverage under public programs when requested under subsection (a) within 30 days of the hospital's request.

(d) In order for a hospital to determine the 12 month maximum amount that can be collected from a patient deemed eligible under Section 10, an uninsured patient shall inform the hospital in subsequent inpatient admissions or outpatient encounters that the patient has previously received health care services from that hospital and was determined to be entitled to the uninsured discount.

(e) Hospitals may require patients to certify that all of the information provided in the application is true. The application may state that if any of the information is untrue, any discount granted to the patient is forfeited and the patient is responsible for payment of the hospital's full charges.

Section 20. Exemptions and limitations.

(a) Hospitals that do not charge for their services are exempt from the provisions of this Act.

(b) Nothing in this Act shall be used by any private or public health care insurer or plan as a basis for reducing its payment or reimbursement rates or policies with any hospital. Notwithstanding any other provisions of law, discounts authorized under this Act shall not be used by any private or public health care insurer or plan, regulatory agency, arbitrator, court, or other third party to determine a hospital's usual and customary charges for any health care service.

(c) Nothing in this Act shall be construed to require a hospital to provide an uninsured patient with a particular type of health care service or other service.

(d) Nothing in this Act shall be deemed to reduce or infringe upon the rights and obligations of hospitals and patients under the Fair Patient Billing Act.

(e) The obligations of hospitals under this Act shall take effect for health care services provided on or after the first day of the month that begins 90 days after the effective date of this Act or 90 days after the initial adoption of rules authorized under subsection (a) of Section 25, whichever occurs later.

Section 25. Enforcement.

(a) The Attorney General is responsible for administering and ensuring compliance with this Act, including the development of any rules necessary for the implementation and enforcement of this Act.

(b) The Attorney General shall develop and implement a process for receiving and handling complaints from individuals or hospitals regarding possible violations of this Act.

(c) The Attorney General may conduct any investigation deemed necessary regarding possible violations of this Act by any hospital including, without limitation, the issuance of subpoenas to:

(1) require the hospital to file a statement or report or answer interrogatories in writing as to all information relevant to the alleged violations;

(2) examine under oath any person who possesses knowledge or information directly related to the alleged violations; and

(3) examine any record, book, document, account, or paper necessary to investigate the alleged violation.

(d) If the Attorney General determines that there is a reason to believe that any hospital has violated this Act, the Attorney General may bring an action in the name of the People of the State against the hospital to obtain temporary, preliminary, or permanent injunctive relief for any act, policy, or practice by the hospital that violates this Act. Before bringing such an action, the Attorney General may permit the hospital to submit a Correction Plan for the Attorney General's approval.

(e) This Section applies if:

(1) A court orders a party to make payments to the Attorney General and the payments are to be used for the operations of the Office of the Attorney General; or

(2) A party agrees in a Correction Plan under this Act to make payments to the Attorney General for the operations of the Office of the Attorney General.

(f) Moneys paid under any of the conditions described in subsection (e) shall be deposited into the Attorney General Court Ordered and Voluntary Compliance Payment Projects Fund. Moneys in the Fund shall be used, subject to appropriation, for the performance of any function, pertaining to the exercise of the duties, to the Attorney General including, but not limited to, enforcement of any law of this State and conducting public education programs; however, any moneys in the Fund that are required by the court to be used for a particular purpose shall be used for that purpose.

(g) The Attorney General may seek the assessment of a civil monetary penalty not to exceed $500 per violation in any action filed under this Act where a hospital, by pattern or practice,

knowingly violates Section 10 of this Act.
(h) In the event a court grants a final order of relief against any hospital for a violation of this Act, the Attorney General may, after all appeal rights have been exhausted, refer the hospital to the Illinois Department of Public Health for possible adverse licensure action under the Hospital Licensing Act.
(i) Each hospital shall file Worksheet C Part I from its most recently filed Medicare Cost Report with the Attorney General within 60 days after the effective date of this Act and thereafter shall file each subsequent Worksheet C Part I with the Attorney General within 30 days of filing its Medicare Cost Report with the hospital's fiscal intermediary.

Section 30. Home rule. A home rule unit may not regulate hospitals in a manner inconsistent with the provisions of this Act. This Section is a limitation under subsection (i) of Section 6 of the Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State."; and

on page 1, line 4, by replacing "5" with "90"; and

on page 12, by replacing line 16 with the following:
"becoming law, except that Sections 1 through 30 take effect 90 days after becoming law.".

Under the rules, the foregoing **Senate Bill No. 2380**, with House Amendment No. 2, was referred to the Secretary's Desk.

A message from the House by
Mr. Mahoney, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 2047
A bill for AN ACT concerning public employee benefits.
HOUSE BILL NO. 5845
A bill for AN ACT concerning transportation.
Passed the House, May 27, 2008.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 2047 and 5845** were taken up, ordered printed and placed on first reading.

JOINT ACTION MOTIONS FILED

The following Joint Action Motions to the Senate Bill listed below have been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 1 to Senate Bill 2102
Motion to Concur in House Amendment 1 to Senate Bill 2170
Motion to Concur in House Amendment 2o to Senate Bill 2380

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Clayborne, **House Bill No. 953** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **House Bill No. 2651** having been printed, was taken up and read by title a second time.

The following amendments were offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 2651

AMENDMENT NO. 1. Amend House Bill 2651, by deleting line 23 on page 3 through line 20 on page 4; and

by deleting line 21 on page 11 through line 18 on page 12; and

by deleting line 22 on page 20 through line 19 on page 21.

AMENDMENT NO. 2 TO HOUSE BILL 2651

AMENDMENT NO. 2. Amend House Bill 2651, on page 5, line 12, by replacing "or (iii)" with "(iii) the date that payments begin under subsection (c-5) of Section 13 of this Act, or (iv)"; and

on page 20, line 8, by replacing "June 30, 2011" with "on the effective date of this amendatory Act of the 95th General Assembly".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 2748** having been printed, was taken up and read by title a second time.

Senate Committee Amendment No. 1 was held in the Committee on Rules.

The following amendment was offered in the Committee on Judiciary Criminal Law, adopted and ordered printed:

AMENDMENT NO. 2 TO HOUSE BILL 2748

AMENDMENT NO. 2. Amend House Bill 2748 on page 11, by deleting lines 18 through 26; and

on page 12, by deleting lines 1 through 15; and

on page 13, line 24, by inserting "or mandatory supervised release" after "parole"; and

on page 13, line 25, by inserting "or mandatory supervised release" after "parole"; and

on page 15, by deleting lines 18 through 26; and

on page 16, by deleting lines 1 through 15.

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator J. Jones, **House Bill No. 4137** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **House Bill No. 4212** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Human Services, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 4212

AMENDMENT NO. 1. Amend House Bill 4212 by deleting line 10 on page 8 through line 6 on page 9.

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Link, **House Bill No. 4249** having been printed, was taken up and read by title a second time.

Senate Committee Amendment No. 1 was held in the Committee on Rules.

The following amendments were offered in the Committee on Licensed Activities, adopted and ordered printed:

AMENDMENT NO. 2 TO HOUSE BILL 4249

AMENDMENT NO. 2. Amend House Bill 4249 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.18 and by adding Section 4.29 as follows:

(5 ILCS 80/4.18)

Sec. 4.18. Acts repealed January 1, 2008 and December 31, 2008.

(a) The following Acts are repealed on January 1, 2008:

The Structural Pest Control Act.

(b) The following Acts are repealed on December 31, 2008:

The Medical Practice Act of 1987.

~~The Environmental Health Practitioner Licensing Act.~~

(Source: P.A. 94-754, eff. 5-10-06; 94-1075, eff. 12-29-06; 94-1085, eff. 1-19-07; 95-187, eff. 8-16-07; 95-235, eff. 8-17-07; 95-450, eff. 8-27-07; 95-465, eff. 8-27-07; 95-639, eff. 10-5-07; 95-687, eff. 10-23-07; 95-689, eff. 10-29-07; 95-703, eff. 12-31-07; revised 1-7-08.)

(5 ILCS 80/4.29 new)

Sec. 4.29. Act repealed on January 1, 2019. The following Act is repealed on January 1, 2019:

The Environmental Health Practitioner Licensing Act.

Section 10. The Environmental Health Practitioner Licensing Act is amended by changing Sections 5, 10, 17, 18, 19, 20, 21, 22, 26, 27, 29, 31, 35, 56, 60, 65, 75, 80, 85, 90, 95, 100, and 115 as follows:

(225 ILCS 37/5)

(Section scheduled to be repealed on December 31, 2008)

Sec. 5. Legislative intent. In adopting this Act, it is recognized that the field of environmental health is a dynamic field that is continually evolving into new and complex areas of concern. It is the legislative intent of this Act to recognize the occasional existence of overlapping functions with engineers, industrial hygienists, veterinarians, and other professions licensed to carry out specific activities that may touch on some aspects of the field of environmental health. It is not the intent of this Act to require licensure ~~registration~~ of these individuals, nor is it the intent that the licensure ~~registration~~ of any person under this Act would allow that person to perform functions or engage in activities that would include the practice of engineering. It is the sole purpose and intent of this Act to safeguard the health, safety, and general welfare of the public from adverse environmental factors and to license those environmental health professionals who have completed approved environmental health or science curricula, are qualified to work in the field of environmental health, within the scope of practice as defined in this Act, and not to restrict nor interfere with interstate commerce.

(Source: P.A. 89-61, eff. 6-30-95; 90-44, eff. 7-3-97.)

(225 ILCS 37/10)

(Section scheduled to be repealed on December 31, 2008)

Sec. 10. Definitions. As used in this Act:

"Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file maintained by the Department's licensure maintenance unit. It is the duty of the applicant or licensee to inform the Department of any change of address and such changes must be made either through the Department's Internet website or by contacting the Department's licensure maintenance unit.

"Board" means the Environmental Health Practitioners Board as created in this Act.

"Department" means the Department of Financial and Professional Regulation.

~~"Director" means the Director of Professional Regulation.~~

"Environmental health inspector" means an individual who, in support of and under the general supervision of a licensed environmental health practitioner or licensed professional engineer, practices environmental health and meets the educational qualifications of an environmental health inspector.

"Environmental health practice" is the practice of environmental health by licensed environmental health practitioners within the meaning of this Act and includes, but is not limited to, the following areas of professional activities: milk and food sanitation; protection and regulation of private water supplies; private waste water management; domestic solid waste disposal practices; institutional health and safety; and consultation and education in these fields.

"Environmental health practitioner in training" means a person licensed under this Act who meets the educational qualifications of a licensed environmental health practitioner and practices environmental health in support of and under the general supervision of a licensed environmental health practitioner or licensed professional engineer, but has not passed the licensed environmental health practitioner examination administered by the Department.

"License" means the authorization issued by the Department permitting the person named on the authorization to practice environmental health as defined in this Act.

"Licensed environmental health practitioner" is a person who, by virtue of education and experience in the physical, chemical, biological, and environmental health sciences, is especially trained to organize, implement, and manage environmental health programs, trained to carry out education and enforcement activities for the promotion and protection of the public health and environment, and is licensed as an environmental health practitioner under this Act.

"Secretary" means the Secretary of Financial and Professional Regulation.

(Source: P.A. 92-837, eff. 8-22-02.)

(225 ILCS 37/17)

(Section scheduled to be repealed on December 31, 2008)

Sec. 17. Powers and duties of the Department of Financial and Professional Regulation. Subject to the provisions of this Act, the Department may ~~shall~~ exercise the following functions, powers, and duties:

(1) Prescribe rules defining what constitutes an approved school, college, or department of a university, except that no school, college, or department of a university that refuses admittance to applicants solely on account of race, color, creed, sex, or national origin shall be approved.

(2) Conduct hearings on proceedings to revoke, suspend, or refuse to issue licenses.

(3) Promulgate rules required for the administration of this Act.

(Source: P.A. 91-724, eff. 6-2-00.)

(225 ILCS 37/18)

(Section scheduled to be repealed on December 31, 2008)

Sec. 18. Board of Environmental Health Practitioners. The Board of Environmental Health Practitioners is created and shall exercise its duties as provided in this Act. The Board shall consist of 5 members appointed by the Secretary ~~Director~~. Of the 5 members, 3 shall be actively licensed environmental health practitioners, one a Public Health Administrator who meets the minimum qualifications for public health personnel employed by full time local health departments as prescribed by the Illinois Department of Public Health and is actively engaged in the administration of a local health department within this State, and one member of the general public. In making the appointments to the Board, the Secretary may ~~Director shall~~ consider the recommendations of related professional and trade associations including the Illinois Environmental Health Association and the Illinois Public Health Association and of the Director of Public Health. Each of the environmental health practitioners shall have at least 5 years of full time employment in the field of environmental health practice before the date of appointment. ~~Each appointee filling the seat of an environmental health practitioner appointed to the Board must be licensed under this Act.~~

The membership of the Board shall reasonably reflect representation from the various geographic areas of the State.

A majority of the Board members currently appointed shall constitute a quorum. A vacancy in the membership of the Board shall not impair the right of a quorum to exercise all the rights and perform all the duties of the Board.

The members of the Board are entitled to receive as compensation a reasonable sum as determined by the Secretary ~~Director~~ for each day actually engaged in the duties of the office and all legitimate and necessary expenses incurred in attending the meetings of the Board.

Members of the Board shall be immune from suit in any action based upon any disciplinary proceedings or other activities performed in good faith as members of the Board.

The Secretary ~~Director~~ may remove any member of the Board for any cause that, in the opinion of the Secretary ~~Director~~, reasonably justifies termination.

Members shall serve for a term of 3 years and until their successors are appointed and qualified. No Board member, after the effective date of this amendatory Act of the 95th General Assembly, shall be appointed to more than 2 full consecutive terms. The initial terms created by this amendatory Act shall count as full terms for the purposes of reappointment to the Board. Appointments to fill vacancies for an unexpired portion of a vacated term shall be made in the same manner as original appointments and shall constitute a full term.

The appointments of those Board members currently appointed and serving on the Board shall end upon the effective date of this amendatory Act of the 95th General Assembly. Board members currently

serving on the Board on the effective date of this Amendatory Act, shall continue to serve until the initial appointees are appointed and qualified. The initial Board members appointed after the effective date of this amendatory Act of the 95th General Assembly, shall be appointed to the following terms by and in the discretion of the Secretary: (i) one member shall be appointed for one year; (ii) 2 members shall be appointed to serve 2 years; and (iii) 2 members shall be appointed to serve 3 years. The Board members appointed to initial terms by this amendatory Act of the 95th General Assembly shall be appointed as soon as possible after the effective date of this amendatory Act. Board members serving at the effective date of this Act are eligible to be reappointed to initial terms as described above, but nothing in this Act requires such members to be appointed.

(Source: P.A. 91-724, eff. 6-2-00; 91-798, eff. 7-9-00; 92-837, eff. 8-22-02.)

(225 ILCS 37/19)

(Section scheduled to be repealed on December 31, 2008)

Sec. 19. Requirements of approval by Board of Environmental Health Practitioners. The Secretary ~~Director~~ may consider the recommendations of the Board in establishing guidelines for professional conduct, for the conduct of formal disciplinary proceedings brought under this Act, and for establishing guidelines for qualifications and examinations of applicants. Notice of proposed rulemaking shall be transmitted to the Board. The Department shall review the response of the Board and its recommendations. The Department, at any time, may seek the expert advice and knowledge of the Board on any matter relating to the administration or enforcement of this Act.

(Source: P.A. 89-61, eff. 6-30-95.)

(225 ILCS 37/20)

(Section scheduled to be repealed on December 31, 2008)

Sec. 20. Qualifications for licensure ~~registration~~ as an environmental health practitioner. A person is qualified to be licensed as an environmental health practitioner if that person:

(1) Has applied in writing on the prescribed forms, has paid the required fee, and holds one of the following:

(A) A Bachelor's Degree in environmental health science from a college or university approved by the National Environmental Health Association Accreditation Council for environmental health curricula or its equivalent as approved by the Department.

(B) A Bachelor's Degree from an accredited college or university which included a minimum of 30 semester hours or equivalent of basic sciences acceptable to the Department and 12 months of full time experience.

(C) A Master's Degree in public health or environmental health science from an accredited college or university if the applicant has completed a minimum of 30 semester or equivalent hours of basic science acceptable to the Department.

(2) Passes an examination authorized by the Department. The examination shall be of a character to give a fair test of the qualifications of the applicant to practice as an environmental health practitioner.

(Source: P.A. 89-61, eff. 6-30-95; 89-706, eff. 1-31-97.)

(225 ILCS 37/21)

(Section scheduled to be repealed on December 31, 2008)

Sec. 21. Grandfather provision. A person who, on the effective date of this amendatory Act of the 92nd General Assembly, was certified by his or her employer as serving as a sanitarian or environmental health practitioner in environmental health practice in this State may be issued a license as an environmental health practitioner in training upon filing an application by July 1, 2003 and paying the required fees.

An environmental health practitioner in training license issued under this Section and in an active status on the effective date of this amendatory Act of the 95th General Assembly may be renewed, so long as the licensee continues to practice environmental health and does not allow his or her license to lapse or expire.

(Source: P.A. 92-837, eff. 8-22-02.)

(225 ILCS 37/22)

(Section scheduled to be repealed on December 31, 2008)

Sec. 22. Environmental health practitioner in training.

(a) Any person who meets the educational qualifications specified in Section 20, but does not meet the experience requirement specified in that Section, may make application to the Department on a form prescribed by the Department for licensure as an environmental health practitioner in training. The Department shall license that person as an environmental health practitioner in training upon payment of the fee required by this Act.

(b) An environmental health practitioner in training licensed under this Section shall apply for licensure as an environmental health practitioner within 3 years of his or her licensure as an environmental health practitioner in training. The license may be renewed or extended as defined by rule of the Department. The Board may recommend to extend the licensure of any environmental health practitioner in training licensed under this Section who furnishes, in writing, sufficient cause for not applying for examination as an environmental health practitioner within the 3-year period.

(c) An environmental health practitioner in training licensed under this Section may engage in the practice of environmental health for a period not to exceed 6 years provided that he or she is supervised by a licensed professional engineer or a licensed environmental health practitioner as prescribed in this Act.

(d) This Section does not apply to environmental health practitioners in training licensed under Section 21 of this Act.

(Source: P.A. 92-837, eff. 8-22-02; revised 1-16-07.)

(225 ILCS 37/26)

(Section scheduled to be repealed on December 31, 2008)

Sec. 26. Examination for licensure ~~registration~~ as an environmental health practitioner.

(a) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, only persons who meet the educational and experience requirements of Section 20 and who pass the examination authorized by the Department shall be licensed as environmental health practitioners.

(b) Applicants for examination as environmental health practitioners shall be required to pay, either to the Department or the designated testing service, a fee covering the cost of providing the examination.

(Source: P.A. 92-837, eff. 8-22-02.)

(225 ILCS 37/27)

(Section scheduled to be repealed on December 31, 2008)

Sec. 27. Renewals; restoration.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule. As a condition for renewal of a license, the licensee shall be required to complete continuing education requirements as set forth in rules by the Department. Licensees who are 70 years of age or older and have been licensed under this Act for at least 4 years shall be exempt from the continuing education requirements.

(b) A person who has permitted a license to expire may have the license restored by making application to the Department and filing proof, acceptable to the Department, of fitness to have the license restored. Proof may include (i) sworn evidence certifying to active practice in another jurisdiction that is satisfactory to the Department, (ii) complying with any continuing education requirements, and (iii) paying the required restoration fee.

(c) If the person has not maintained an active practice in another jurisdiction satisfactory to the Department, the Board shall determine, by an evaluation program, established by rule, the person's fitness to resume active status. The Board may require the person to complete a period of evaluated clinical experience and successful completion of a practical examination.

However, a person whose license expired while (i) in federal service on active duty with the Armed Forces of the United States or called into service or training with the State Militia or (ii) in training or education under the supervision of the United States, preliminary to induction into the military service may have his or her license renewed or restored without paying any lapsed renewal fees if, within 2 years after honorable termination of the service, training, or education, except under conditions other than honorable, he or she furnishes the Department with satisfactory evidence to the effect that he or she has been so engaged and that the service, training, or education has been terminated.

(d) A person who notifies the Department, in writing on forms prescribed by the Department, may place his or her license on inactive status and shall be excused from the payment of renewal fees until the person notifies the Department, in writing, of the intention to resume active practice.

(e) A person requesting his or her license be changed from inactive to active status shall be required to pay the current renewal fee and shall also demonstrate compliance with the continuing education requirements.

(f) An environmental health practitioner whose license is not renewed or whose license is on inactive status shall not engage in the practice of environmental health in the State of Illinois or use the title or advertise that he or she performs the services of a "licensed environmental health practitioner".

(g) A person violating subsection (f) of this Section shall be considered to be practicing without a license and shall be subject to the disciplinary provisions of this Act.

(h) A license to practice shall not be denied any applicant because of the applicant's race, religion, creed, national origin, political beliefs or activities, age, sex, sexual orientation, or physical impairment

that does not affect a person's ability to practice with reasonable judgement, skill, or safety impairment.
(Source: P.A. 91-724, eff. 6-2-00.)

(225 ILCS 37/29)

(Section scheduled to be repealed on December 31, 2008)

Sec. 29. Deposit of fees and fines; appropriations. All fees and fines collected under this Act shall be deposited into the General Professions Dedicated Fund. All moneys in the Fund shall be used by the Department of Financial and Professional Regulation, as appropriated, for the ordinary and contingent expenses of the Department.
(Source: P.A. 89-61, eff. 6-30-95.)

(225 ILCS 37/31)

(Section scheduled to be repealed on December 31, 2008)

Sec. 31. Checks or orders dishonored. A person who issues or delivers a check or other order to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. The fines imposed by this Section are in addition to any other discipline provided under this Act prohibiting unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days after notification. If, after the expiration of 30 days from the date of the notification, the person fails to submit the necessary remittance, the Department shall automatically terminate the license or certification or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of a license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all costs and expenses of processing of this application. The Secretary ~~Director~~ may waive the fines due under this Section in individual cases where the Secretary ~~Director~~ finds that the fines would be unnecessarily burdensome.
(Source: P.A. 92-146, eff. 1-1-02.)

(225 ILCS 37/35)

(Section scheduled to be repealed on December 31, 2008)

Sec. 35. Grounds for discipline.

(a) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary or non-disciplinary action with regard to any license issued under this Act as the Department may consider proper, including the imposition of fines not to exceed $5,000 for each violation, for any one or combination of the following causes:

(1) Material misstatement in furnishing information to the Department.

(2) Violations of this Act or its rules.

(3) Conviction of or entry of a plea of guilty or nolo contendere to any crime that is a ~~any~~ felony under the laws of the United States or any state or territory thereof, whether related to the practice of the profession or not, or conviction or entry of a plea of guilty or nolo contendere to any crime, ~~any U.S. jurisdiction, any misdemeanor~~ an essential element of which is dishonesty, wanton disregard for the rights of others, or ~~any crime~~ that is directly related to the practice of the profession.

(4) Making any misrepresentation for the purpose of obtaining licensure ~~a certificate of registration~~.

(5) Professional incompetence.

(6) Aiding or assisting another person in violating any provision of this Act or its rules.

(7) Failing to provide information within 30 ~~60~~ days in response to a written request made by the Department.

(8) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public as defined by rules of the Department.

(9) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in an environmental health practitioner's inability to practice with reasonable judgment, skill, or safety.

(10) Discipline by another U.S. jurisdiction or foreign nation, if at least one of the grounds for a discipline is the same or substantially equivalent to those set forth in this Act.

(11) A finding by the Department that the licensee ~~registrant~~, after having his or her license placed on probationary status, has violated the terms of probation.

(12) Willfully making or filing false records or reports in his or her practice,

including, but not limited to, false records filed with State agencies or departments.

(13) Physical illness or mental illness or impairment, including, but not limited to, deterioration through the aging process or loss of motor skills that result in the inability to practice the profession with reasonable judgment, skill, or safety.

(14) Failure to comply with rules promulgated by the Illinois Department of Public Health or other State agencies related to the practice of environmental health.

(15) Gross negligence ~~The Department shall deny any application for a license or renewal of a license under this Act, without hearing, to a person who has defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission; however, the Department may issue a license or renewal of a license if the person in default has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission~~.

(16) Solicitation of professional services by using false or misleading advertising.

(17) A finding that the license has been applied for or obtained by fraudulent means.

(18) Practicing or attempting to practice under a name other than the full name as shown on the license or any other legally authorized name.

(19) Gross overcharging for professional services including filing statements for collection of fees or moneys for which services are not rendered.

(b) The Department may refuse to issue or may suspend the license of any person who fails to (i) file a return, (ii) pay the tax, penalty, or interest shown in a filed return; or (iii) pay any final assessment of the tax, penalty, or interest as required by any tax Act administered by the Illinois Department of Revenue until the requirements of the tax Act are satisfied.

(b-5) The Department shall deny any application for a license or renewal of a license under this Act, without hearing, to a person who has defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission; however, the Department may issue a license or renew a license if the person in default has established a satisfactory repayment record, as determined by the Illinois Student Assistance Commission.

(c) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission to a mental health facility as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. The suspension may end only upon a finding by a court that the licensee is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and the recommendation of the Board to the Secretary ~~Director~~ that the licensee be allowed to resume practice.

(d) In enforcing this Section, the Department, upon a showing of a possible violation, may compel any person licensed to practice under this Act or who has applied for licensure or certification pursuant to this Act to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians shall be those specifically designated by the Department. The Department may order the examining physician to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The person to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any person to submit to a mental or physical examination, when directed, shall be grounds for suspension of a license until the person submits to the examination if the Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Department finds an individual unable to practice because of the reasons set forth in this Section, the Department may require that individual to submit to care, counseling, or treatment by physicians approved or designated by the Department, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice or, in lieu of care, counseling, or treatment, the Department may file a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual.

Any person whose license was granted, continued, reinstated, renewed, disciplined, or supervised subject to such terms, conditions, or restrictions and who fails to comply with such terms, conditions, or restrictions shall be referred to the Secretary ~~Director~~ for a determination as to whether the person shall have his or her license suspended immediately, pending a hearing by the Department.

In instances in which the Secretary ~~Director~~ immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department shall have the authority to review the subject person's record of treatment and counseling regarding the impairment, to the extent permitted

by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

A person licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

(Source: P.A. 92-837, eff. 8-22-02.)

(225 ILCS 37/56)

(Section scheduled to be repealed on December 31, 2008)

Sec. 56. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice environmental health without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $10,000 ~~$5,000~~ for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department has the authority and power to investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(Source: P.A. 92-837, eff. 8-22-02.)

(225 ILCS 37/60)

(Section scheduled to be repealed on December 31, 2008)

Sec. 60. Violations; injunctions; cease and desist order.

(a) If a person violates a provision of this Act, the Secretary ~~Director~~ may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, petition for an order enjoining the violation or for any order enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the Court may punish the offender for contempt of court. Proceedings under this Section are in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If a person practices as an environmental health practitioner or holds himself or herself out as such without having a valid license under this Act, then a licensee, an interested party, or a person injured thereby may, in addition to the Secretary ~~Director~~, petition for relief as provided in subsection (a) of this Section.

(c) Whenever in the opinion of the Department a person violates a provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against him or her. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

(Source: P.A. 89-61, eff. 6-30-95.)

(225 ILCS 37/65)

(Section scheduled to be repealed on December 31, 2008)

Sec. 65. Investigation; notice; hearing. The Department may investigate the actions of an applicant or a person or persons holding or claiming to hold a license. Before refusing to issue, refusing to renew, or taking any disciplinary action regarding a license, the Department shall, at least 30 days before the date set for the hearing, notify in writing the applicant for, or holder of, a license of the nature of any charges and that a hearing will be held on a date designated. The Department shall direct the applicant or licensee to file a written answer with the Board under oath within 20 days after the service of the notice and inform the applicant or licensee that failure to file an answer shall result in default being taken against the applicant or licensee and that the license may be suspended, revoked, or placed on probationary status, or that other disciplinary action may be taken, including limiting the scope, nature, or extent of practice, as the Secretary ~~Director~~ may consider proper. Written notice may be served by personal delivery or certified or registered mail to the respondent at the last address of record with ~~his or her last notification to~~ the Department. If the person fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status or the Department may take any disciplinary action considered proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Board shall proceed to hear the charges and the parties or their counsel shall

be accorded ample opportunity to present statements, testimony, evidence, and arguments as may be pertinent to the charges or to their defense. The Board may continue a hearing from time to time.
(Source: P.A. 89-61, eff. 6-30-95.)

(225 ILCS 37/75)

(Section scheduled to be repealed on December 31, 2008)

Sec. 75. Subpoenas; oaths; attendance of witnesses. The Department has the power to subpoena and to bring before it any person and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed in civil cases in the courts of this State.

The Secretary ~~Director~~, the designated hearing officer, and every member of the Board has the power to administer oaths to witnesses at any hearing that the Department is authorized to conduct and any other oaths authorized in any Act administered by the Department.
(Source: P.A. 89-61, eff. 6-30-95.)

(225 ILCS 37/80)

(Section scheduled to be repealed on December 31, 2008)

Sec. 80. Recommendations for disciplinary action. At the conclusion of the hearing, the Board shall present to the Secretary ~~Director~~ a written report of its findings and recommendations. The report shall contain a finding whether or not the licensee violated this Act or failed to comply with the conditions required in this Act. The Board shall specify the nature of the violation or failure to comply and shall make its recommendations to the Secretary ~~Director~~.

The report of findings, conclusions of law, and recommendations of the Board shall be the basis for the Department's order for refusal to issue or for the granting of a license or for any disciplinary action. If the Secretary ~~Director~~ disagrees with the recommendation of the Board, the Secretary ~~Director~~ may issue an order in contravention of the Board's report. The finding is not admissible in evidence against the person in a criminal prosecution brought for violation of this Act, but the hearing and findings are not a bar to criminal prosecution brought for violation of this Act.
(Source: P.A. 89-61, eff. 6-30-95.)

(225 ILCS 37/85)

(Section scheduled to be repealed on December 31, 2008)

Sec. 85. Rehearing. In any hearing involving disciplinary action against an applicant or licensee, a copy of the Board's report shall be served upon the applicant or licensee by the Department, either personally or as provided in this Act for the service of the notice of hearing. Within 20 calendar days after service, the applicant or licensee may present to the Department a motion in writing for a rehearing that shall specify the particular grounds for rehearing. If no motion for rehearing is filed, then upon the expiration of the time specified for filing a motion, or if a motion for rehearing is denied, then upon denial, the Secretary ~~Director~~ may enter an order in accordance with recommendations of the Board, except as provided in this Act. If the applicant or licensee orders from the reporting service, and pays for a transcript of the record within the time for filing a motion for rehearing, the 20 calendar day period within which a motion may be filed shall commence upon the delivery of the transcript to the respondent.
(Source: P.A. 88-670, eff. 12-2-94; 89-61, eff. 6-30-95.)

(225 ILCS 37/90)

(Section scheduled to be repealed on December 31, 2008)

Sec. 90. Hearing by other hearing officer ~~examiner~~. Whenever the Secretary ~~Director~~ is not satisfied that substantial justice has been done in the revocation, suspension, or refusal to issue or renew a license, the Secretary ~~Director~~ may order a rehearing by the same or other hearing officers ~~examiners~~.
(Source: P.A. 88-683, eff. 1-24-95; 89-61, eff. 6-30-95; 89-626, eff. 8-9-96.)

(225 ILCS 37/95)

(Section scheduled to be repealed on December 31, 2008)

Sec. 95. Appointment of hearing officer. The Secretary ~~Director~~ has the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for Departmental refusal to issue a license, renew a license, or to discipline a licensee. The hearing officer has full authority to conduct the hearing. At least one member of the Board shall attend each hearing. The hearing officer shall report the findings of fact, conclusions of law, and recommendations to the Board and the Secretary ~~Director~~. The Board has 60 calendar days from receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law, and recommendations to the Secretary ~~Director~~. If the Board fails to present its report within the 60 calendar day period, the Secretary ~~Director~~ may issue an order based on the report of the hearing officer. If the Secretary ~~Director~~ disagrees with the recommendation of the Board or the hearing officer, the Secretary ~~Director~~ may issue an order in contravention of the recommendation.

(Source: P.A. 89-61, eff. 6-30-95.)

(225 ILCS 37/100)

(Section scheduled to be repealed on December 31, 2008)

Sec. 100. Order or certified copy. An order or a certified copy thereof, over the seal of the Department and purporting to be signed by the Secretary ~~Director~~, shall be prima facie proof that:

(1) the signature is the genuine signature of the Secretary ~~Director~~;

(2) the Secretary ~~Director~~ is duly appointed and qualified; and

(3) the Board and its members are qualified to act.

(Source: P.A. 89-61, eff. 6-30-95.)

(225 ILCS 37/115)

(Section scheduled to be repealed on December 31, 2008)

Sec. 115. Temporary suspension. The Secretary ~~Director~~ may summarily suspend the license of an environmental health practitioner without a hearing, simultaneously with the initiation of proceedings for a hearing provided for in this Act, if the Secretary ~~Director~~ finds that evidence in his or her possession indicates that an environmental health practitioner's continuation in practice would constitute an imminent danger to the public. In the event that the Secretary ~~Director~~ summarily suspends the license of an environmental health practitioner without a hearing, a hearing by the Board must be held within 30 calendar days after the suspension has occurred.

(Source: P.A. 89-61, eff. 6-30-95.)

Section 99. Effective date. This Act takes effect upon becoming law.".

AMENDMENT NO. 3 TO HOUSE BILL 4249

AMENDMENT NO. 3. Amend House Bill 4249, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, as follows:

on page 13, line 13, after "expire", by inserting "for a period of less than 5 years"; and

on page 13, immediately below line 20, by inserting the following:

"(b-5) A person seeking restoration of a license that has been expired or placed on inactive status for a period of 5 years or more may have the license restored by making application to the Department and filing proof acceptable to the Department of fitness to have the license restored. Proof may include (i) sworn evidence of active practice in another jurisdiction, (ii) an affidavit attesting to military service of the type set forth in subsection (c) of this Section, (iii) proof of passage of the Environmental Health Proficiency Examination during the period in which the license lapsed or was placed on inactive status, or (iv) sworn evidence acceptable to the Department of lawful practice under the supervision of an environmental health practitioner licensed under this Act. Except as otherwise stated in this Section, an applicant for restoration under this Section must pay any restoration fees required under this Act and provide proof of meeting continuing education requirements during the 2-year period immediately prior to restoration."; and

on page 15, line 13, by deleting "impairment".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Halvorson, **House Bill No. 4449** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Human Services, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 4449

AMENDMENT NO. 1. Amend House Bill 4449 on page 16, by deleting lines 2 through 25.

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Koehler, **House Bill No. 4545** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Local Government, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 4545

AMENDMENT NO. 1. Amend House Bill 4545 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Illinois Rural Economic Development and Tourism Stimulus Act.

Section 10. Purpose. The express purpose of this legislation is to establish a method of enabling the creation of a locally customized program to utilize a palette of economic development incentives already in wide use throughout the State but organized in a unique, locally established district to attract businesses and tourism-related activity to provide stimulation of the local economies of the areas where these districts are formed in order to increase economic development, including jobs and tax revenues of every type, and to improve the quality of life in the areas affected by the unemployment, disinvestment, and population losses that characterize these areas and thereby increase the opportunities for rural Illinois families to remain intact and prosper.

Section 15. Definitions.

(a) "Special taxing district" means those districts created pursuant to this Act, which are political subdivisions of the State of Illinois.

(b) "Board of Directors" means the group of representatives appointed pursuant to the requirements of this Act to serve as a governing body for those districts created pursuant to this Act.

Section 20. Enabling authority. The State of Illinois hereby confers to counties the authority to, by majority vote of the county board in which a proposed district would reside, the authority to create certain special taxation districts, which are designed to employ certain economic development incentives currently allowed under State law to address conditions of persistent lack of economic development, chronic underemployment or unemployment, and poverty.

Section 25. Requirements. All special taxation districts created pursuant to this Act shall first meet the following economic and employment criteria before they are eligible for consideration and approval by the county board of the county in which the district is proposed to be located:

(1) the median income or wage within the county is equal to or less than 60% of the State median;

(2) unemployment levels within the county are equal to or greater than 25% of the State median;

(3) the percentage of county population living below the poverty level is more than 25% higher than the State average; and

(4) the area consists of at least 1,000 acres within the county seeking to institute such a district but lying outside of the corporate limits of any municipality.

Notwithstanding any other law to the contrary, territory within a special taxing district created by this Act may not be annexed by another political subdivision of the State and is not subject to extra-territorial applications of existing municipal law.

Section 30. Board makeup.

(a) A District created by this Act shall be governed by a Board of Directors consisting of 3 members appointed by the county board of the county in which the district is situated. Members must be residents of that county. Of the initial members appointed pursuant to this Section, one shall serve for a 2-year term, one shall serve for a 3-year term, and one shall serve for a 4-year term. Their successors shall be appointed for 4-year terms. Members shall serve without compensation, but may be reimbursed for necessary expenses.

(b) The Board of Directors shall:

(1) appoint from among its members a Chairman, a Secretary and such other officers as may be necessary to conduct its business;

(2) keep and maintain a complete and accurate record of all of its proceedings; the Board is a public body, subject to all laws governing political subdivisions of the State of Illinois;

(3) enter into intergovernmental agreements with the county within which it is located for administrative and staff support and meeting accommodations for accomplishing the purposes of the District;

(4) enter into contracts and other agreements in the interest of the District or to carry out and accomplish the purposes of this Act, including construction contracts; and

(5) contract for consulting, legal, accounting, and other outside professional services, including a contracts with a professional facility management company.

Section 35. Powers. A county, by ordinance, may create a special taxation district pursuant to this Act. The District shall have the authority to:

(1) collect and provide for the expenditure of that portion of all sales taxes due from licensed economic activities within the District, normally collected by and allocated to the general revenue fund of the county in which the District is located;

(2) enter into economic incentive agreements as provided in Section 8-11-20 of the Illinois Municipal Code to allocate utilization of the municipality's share of any non-home rule retailers' occupation taxes generated within the Redevelopment Project Area in accordance with Section 8-11-20 of the Illinois Municipal Code;

(3) levy and allocate the use of a Municipal Use Tax (infrastructure tax) under procedures described in Section 8-11-1.5 of the Illinois Municipal Code;

(4) provide for the assessment of and the utilization of a Hotel-Motel tax, not to exceed 5%, as is permitted in Section 8-3-14 of the Illinois Municipal Code;

(5) enter into intergovernmental agreements by the affirmative vote of its board of directors;

(6) provide for the use of Tax Increment Financing (TIF) to collect property taxes for all real property located within the District for the maximum period allowable under State law;

(7) create an Illinois Business District pursuant to the Business District Development and Redevelopment Act;

(8) levy and collect additional taxes including, but not limited to, utility taxes and telecommunications taxes on all property owners within the District. Any expenditure of funds collected pursuant to this Act shall only be expended according to a budget approved by a majority vote of the District's Board of Directors. Any subsequent increase in the tax rate must be approved by a majority vote of the District's Board of Directors;

(9) levy a special use tax on business activity in the District that is subject to taxation under the law; the tax shall be levied at a rate to be determined by majority vote of the Board of Directors;

(10) adopt and use a corporate seal;

(11) sue and be sued;

(12) adopt administrative rules as necessary to administer and operate the District and any property under its jurisdiction;

(13) retain legal counsel and other consultants as necessary to carry out the purposes of the District; and

(14) acquire by any lawful means and operate, maintain, encumber and dispose of real and personal property and interests in property. The district shall not have the power of eminent domain.

Section 40. Financial provisions. On or before June 30 of each year, the Board shall hold a public hearing to adopt a budget for the following fiscal year that includes:

(1) District receipts during the preceding fiscal year;

(2) expenditures during the preceding fiscal year;

(3) estimates of amounts necessary for expenses during the following fiscal year, including amounts proposed for:

(i) costs of planning, constructing, financing, and maintaining the District's facilities; and

(ii) administrative costs of the District;

(4) anticipated revenue to the District from each source in the following fiscal year;

(5) a complete asset and liability statement;

(6) a statement of profit or loss;

(7) cash on hand as of the date the budget is adopted and the anticipated balance at the end of the current fiscal year; and

(8) a description of the amount and nature of private funding and financing committed to the operation of the District.

Section 45. General fund; investments. Each District established pursuant to this Act shall maintain a general fund and may establish accounts and subaccounts within the general fund as necessary and convenient. All revenues and moneys received by the District shall be deposited in the general fund. The District may invest any unexpended moneys in the fund as provided by State law governing investments by public entities. Interest and other income from investments of monies in any account shall be credited to that account except as otherwise provided by law.

The District's investments must mature when the fund assets will be required for the purposes of this Section. If the liquid assets in the fund become insufficient to meet the District's obligations, the Board shall direct the fiscal agent to liquidate sufficient securities to meet all of the current obligations and immediately notify the Auditor General of the insufficiency. The Auditor General shall investigate and audit the circumstances surrounding the depletion of the fund and report the findings to the Board.

Section 50. Audit. The Board shall cause an annual audit to be conducted of the District's funds, accounts, and subaccounts by an independent certified public accountant within 120 days after the end of the fiscal year. The Board shall immediately file a certified copy of the audit with the Auditor General and the county board. The Auditor General may make such further audits and examinations as necessary and may take appropriate action relating to the audit or examination pursuant to the Illinois State Auditing Act. If the Auditor General takes no further action within 30 days after the audit is filed, the audit is considered to be sufficient. The Board shall pay negotiated and approved fees and costs of the Certified Public Accountant and Auditor General under this Section.

Section 55. Annexation. A district formed under this Act may not be annexed by any other unit of local government without the express approval of the board of commissioners of the district.

Section 60. The Counties Code is amended by changing Section 5-1062.3 as follows:

(55 ILCS 5/5-1062.3 new)

Sec. 5-1062.3. Stormwater management; Peoria.

(a) The purpose of this Section is to allow management and mitigation of the effects of urbanization on stormwater drainage in Peoria County and references to "county" in this Section apply only to that county. The purpose of this Section shall be achieved by:

(1) Consolidating the existing stormwater management framework into a united, countywide structure.

(2) Setting minimum standards for floodplain and stormwater management.

(3) Preparing a countywide plan for the management of stormwater runoff, including the management of natural and man-made drainageways. The countywide plan may incorporate watershed plans.

(b) A stormwater management planning committee may be established by county board resolution, with its membership consisting of equal numbers of county board and municipal representatives from each county board district, and such other members as may be determined by the county and municipal members. The county board may by ordinance divide the county into not less than 6 areas of approximately equal population, to be used instead of county board districts for the purpose of determining representation on the stormwater management planning committee.

The county board members shall be appointed by the chairman of the county board. Municipal members from each county board district or other represented area shall be appointed by a majority vote of the mayors of those municipalities that have the greatest percentage of their respective populations residing in that county board district or other represented area. All municipal and county board representatives shall be entitled to a vote; the other members shall be nonvoting members, unless authorized to vote by the unanimous consent of the municipal and county board representatives. A municipality that is located in more than one county may choose, at the time of formation of the stormwater management planning committee and based on watershed boundaries, to participate in the stormwater management planning program of either or both of the counties. Subcommittees of the stormwater management planning committee may be established to serve a portion of the county or a particular drainage basin that has similar stormwater management needs. The stormwater management planning committee shall adopt bylaws, by a majority vote of the county and municipal members, to govern the functions of the committee and its subcommittees. Officers of the committee shall include a chair and vice chair, one of whom shall be a county representative and one a municipal representative.

The principal duties of the committee shall be to develop a stormwater management plan for presentation to and approval by the county board, and to direct the plan's implementation and revision.

The committee may retain engineering, legal, and financial advisors and inspection personnel. The committee shall meet at least quarterly and shall hold at least one public meeting during the preparation of the plan and prior to its submittal to the county board. The committee may make grants to units of local government that have adopted an ordinance requiring actions consistent with the stormwater management plan and to landowners for the purposes of stormwater management, including special projects; use of the grant money must be consistent with the stormwater management plan.

The committee shall not have or exercise any power of eminent domain.

(c) In the preparation of a stormwater management plan, a county stormwater management planning committee shall coordinate the planning process with each adjoining county to ensure that recommended stormwater projects will have no significant impact on the levels or flows of stormwaters in inter-county watersheds or on the capacity of existing and planned stormwater retention facilities. An adopted stormwater management plan shall identify steps taken by the county to coordinate the development of plan recommendations with adjoining counties.

(d) The stormwater management committee may not enforce any rules or regulations that would interfere with (i) any power granted by the Illinois Drainage Code (70 ILCS 605/) to operate, construct, maintain, or improve drainage systems or (ii) the ability to operate, maintain, or improve the drainage systems used on or by land or a facility used for production agriculture purposes, as defined in the Use Tax Act (35 ILCS 105/), except newly constructed buildings and newly installed impervious paved surfaces. Disputes regarding an exception shall be determined by a mutually agreed upon arbitrator paid by the disputing party or parties.

(e) Before the stormwater management planning committee recommends to the county board a stormwater management plan for the county or a portion thereof, it shall submit the plan to the Office of Water Resources of the Department of Natural Resources for review and recommendations. The Office, in reviewing the plan, shall consider such factors as impacts on the levels or flows in rivers and streams and the cumulative effects of stormwater discharges on flood levels. The Office of Water Resources shall determine whether the plan or ordinances enacted to implement the plan complies with the requirements of subsection (f). Within a period not to exceed 60 days, the review comments and recommendations shall be submitted to the stormwater management planning committee for consideration. Any amendments to the plan shall be submitted to the Office for review.

(f) Prior to recommending the plan to the county board, the stormwater management planning committee shall hold at least one public hearing thereon and shall afford interested persons an opportunity to be heard. The hearing shall be held in the county seat. Notice of the hearing shall be published at least once no less than 15 days in advance of the hearing in a newspaper of general circulation published in the county. The notice shall state the time and place of the hearing and the place where copies of the proposed plan will be accessible for examination by interested parties. If an affected municipality having a stormwater management plan adopted by ordinance wishes to protest the proposed county plan provisions, it shall appear at the hearing and submit in writing specific proposals to the stormwater management planning committee. After consideration of the matters raised at the hearing, the committee may amend or approve the plan and recommend it to the county board for adoption.

The county board may enact the proposed plan by ordinance. If the proposals for modification of the plan made by an affected municipality having a stormwater management plan are not included in the proposed county plan, and the municipality affected by the plan opposes adoption of the county plan by resolution of its corporate authorities, approval of the county plan shall require an affirmative vote of at least two-thirds of the county board members present and voting. If the county board wishes to amend the county plan, it shall submit in writing specific proposals to the stormwater management planning committee. If the proposals are not approved by the committee, or are opposed by resolution of the corporate authorities of an affected municipality having a municipal stormwater management plan, amendment of the plan shall require an affirmative vote of at least two-thirds of the county board members present and voting.

(g) The county board may prescribe by ordinance reasonable rules and regulations for floodplain management and for governing the location, width, course, and release rate of all stormwater runoff channels, streams, and basins in the county, in accordance with the adopted stormwater management plan. Land, facilities, and drainage district facilities used for production agriculture as defined in subsection (d) shall not be subjected to regulation by the county board or stormwater management committee under this Section for floodplain management and for governing location, width, course, maintenance, and release rate of stormwater runoff channels, streams and basins, or water discharged from a drainage district. These rules and regulations shall, at a minimum, meet the standards for floodplain management established by the Office of Water Resources and the requirements of the Federal Emergency Management Agency for participation in the National Flood Insurance Program. The

Commission may not impose more stringent regulations regarding water quality on entities discharging in accordance with a valid National Pollution Discharge Elimination System permit issued under the Environmental Protection Act.

(h) In accordance with, and if recommended in, the adopted stormwater management plan, the county board may adopt a schedule of fees as may be necessary to mitigate the effects of stormwater runoff based on actual costs. The fees shall not exceed the cost of satisfying the onsite stormwater retention or detention requirements of the adopted stormwater management plan. The fees shall be used to finance activities undertaken by the county or its included municipalities to mitigate the effects of urban stormwater runoff by providing regional stormwater retention or detention facilities, as identified in the county plan. The county board shall provide for a credit or reduction in fees for any onsite retention, detention, drainage district assessments, or other similar stormwater facility consistent with the stormwater management ordinance. Developers are exempt from any fees under this Section if the new development satisfies onsite retention or detention pursuant to any other local ordinance addressing erosion, sediment, or stormwater control and Illinois Environmental Protection Agency regulations that place the development into compliance with the National Pollutant Discharge Elimination System (NPDES) permit program at the time of the dedication of public infrastructure. All these fees collected by the county shall be held in a separate fund, and shall be expended only in the watershed within which they were collected.

(i) For the purpose of implementing this Section and for the development, design, planning, construction, operation, and maintenance of stormwater facilities provided for in the stormwater management plan, a county board that has established a stormwater management planning committee pursuant to this Section may cause an annual tax of not to exceed 0.20% of the value, as equalized or assessed by the Department of Revenue, of all taxable property in the county to be levied upon all the taxable property in the county or occupation and use taxes of 1/10 of one cent. The property tax shall be in addition to all other taxes authorized by law to be levied and collected in the county and shall be in addition to the maximum tax rate authorized by law for general county purposes. The 0.20% limitation provided in this Section may be increased or decreased by referendum in accordance with the provisions of Sections 18-120, 18-125, and 18-130 of the Property Tax Code (35 ILCS 200/).

Any revenues generated as a result of ownership or operation of facilities or land acquired with the tax funds collected pursuant to this subsection shall be held in a separate fund and be used either to abate such property tax or for implementing this Section.

However, the tax authorized by this subsection shall not be levied until the question of its adoption, either for a specified period or indefinitely, has been submitted to the electors thereof and approved by a majority of those voting on the question. This question may be submitted at any election held in the county after the adoption of a resolution by the county board providing for the submission of the question to the electors of the county. The county board shall certify the resolution and proposition to the proper election officials, who shall submit the proposition at an election in accordance with the general election law. If a majority of the votes cast on the question is in favor of the levy of the tax, it may thereafter be levied in the county for the specified period or indefinitely, as provided in the proposition. The question shall be put in substantially the following form:

Shall an annual tax be levied for stormwater management purposes (for a period of not more than ..... years) at a rate not exceeding .....% of the equalized assessed value of the taxable property of Peoria County?

Or this question may be submitted at any election held in the county after the adoption of a resolution by the county board providing for the submission of the question to the electors of the county to authorize use and occupation taxes of 1/10 of one cent:

Shall use and occupation taxes be raised for stormwater management purposes (for a period of not more than ..... years) at a rate of 1/10 of one cent for taxable goods in Peoria County?

Votes shall be recorded as Yes or No.

(j) If the county adopts a property tax in accordance with the provisions in this Section, the stormwater management committee shall offer property tax abatements or incentive payments to property owners who construct, maintain, and use approved stormwater management devices. If the county adopts use and occupation taxes in accordance with the provisions of this Section, the stormwater management committee may offer tax rebates or incentive payments to property owners who construct, maintain, and use approved stormwater management devices. The stormwater management committee is authorized to offer credits to the property tax, if applicable, based on authorized practices consistent with the stormwater management plan and approved by the committee. Expenses of staff of a stormwater management committee that are expended on regulatory project review may be no more than 20% of the annual budget of the committee, including funds raised under subsections (h) and (i).

(k) If the county has adopted a county stormwater management plan under this Section it may, after 10 days written notice receiving consent of the owner or occupant, enter upon any lands or waters within the county for the purpose of inspecting stormwater facilities or causing the removal of any obstruction to an affected watercourse. If consent is denied or cannot be reasonably obtained, the county ordinance shall provide a process or procedure for an administrative warrant to be obtained. The county shall be responsible for any damages occasioned thereby.

(l) Upon petition of the municipality, and based on a finding of the stormwater management planning committee, the county shall not enforce rules and regulations adopted by the county in any municipality located wholly or partly within the county that has a municipal stormwater management ordinance that is consistent with and at least as stringent as the county plan and ordinance, and is being enforced by the municipal authorities. On issues that the county ordinance is more stringent as deemed by the committee, the county shall only enforce rules and regulations adopted by the county on the more stringent issues and accept municipal permits. The county shall have no more than 60 days to review permits or the permits shall be deemed approved.

(m) The county may issue general obligation bonds for implementing any stormwater plan adopted under this Section in the manner prescribed in Section 5-1012; except that the referendum requirement of Section 5-1012 does not apply to bonds issued pursuant to this Section on which the principal and interest are to be paid entirely out of funds generated by the taxes and fees authorized by this Section.

(n) The powers authorized by this Section may be implemented by the county board for a portion of the county subject to similar stormwater management needs.

(o) The powers and taxes authorized by this Section are in addition to the powers and taxes authorized by Division 5-15; in exercising its powers under this Section, a county shall not be subject to the restrictions and requirements of that Division.

(p) A home rule municipality may opt out of this Section by a majority vote of that municipality's governing body.

Section 65. The County Economic Development Project Area Property Tax Allocation Act is amended by changing Sections 4 and 5 as follows:

(55 ILCS 85/4) (from Ch. 34, par. 7004)

Sec. 4. Establishment of economic development project area; ordinance; joint review board; notice; hearing; changes in economic development plan; annual reporting requirements. Economic development project areas shall be established as follows:

(a) The corporate authorities of Whiteside County may by ordinance propose the establishment of an economic development project area and fix a time and place for a public hearing, and shall submit a certified copy of the ordinance as adopted to the Department.

(a-5) After the effective date of this amendatory Act of the 93rd General Assembly, the corporate authorities of Stephenson County may by ordinance propose the establishment of an economic development project area and fix a time and place for a public hearing, and shall submit a certified copy of the ordinance as adopted to the Department.

(a-10) The corporate authorities of Grundy County may, by ordinance, propose the establishment of an economic development project and fix a time and place for a public hearing. Upon passage of the ordinance, the corporate authorities of Grundy County shall submit a certified copy of the ordinance, as adopted, to the Department.

(a-15) The corporate authorities of Peoria County may, by ordinance, propose the establishment of an economic development project and fix a time and place for a public hearing. Upon passage of the ordinance, the corporate authorities of Peoria County shall submit a certified copy of the ordinance, as adopted, to the Department.

(b) Any county which adopts an ordinance which fixes a date, time and place for a public hearing shall convene a joint review board as hereinafter provided. Not less than 45 days prior to the date fixed for the public hearing, the county shall give notice by mailing to the chief executive officer of each affected taxing district having taxable property included in the proposed economic development project area and, if the ordinance is adopted by Stephenson County, the chief executive officer of any municipality within Stephenson County having a population of more than 20,000 that such chief executive officer or his designee is invited to participate in a joint review board. The designee shall serve at the discretion of the chief executive officer of the taxing district for a term not to exceed 2 years. Such notice shall advise each chief executive officer of the date, time and place of the first meeting of such joint review board, which shall occur not less than 30 days prior to the date of the public hearing. Such notice by mail shall be given by depositing such notice in the United States Postal Service by certified mail.

At or prior to the first meeting of such joint review board the county shall furnish to any member of such joint review board copies of the proposed economic development plan and any related documents which such member shall reasonably request. A majority of the members of such joint review board present at any meeting shall constitute a quorum. Additional meetings may be called by any member of a joint review board upon the giving of notice not less than 72 hours prior to the date of any additional meeting to all members of the joint review board. The joint review board shall review such information and material as its members reasonably deem relevant to the county's proposals to approve economic development plans and economic development projects and to designate economic development project areas. The county shall provide such information and material promptly upon the request of the joint review board and may also provide administrative support and facilities as the joint review board may reasonably require.

Within 30 days of its first meeting, a joint review board shall provide the county with a written report of its review of any proposal to approve an economic development plan and economic development project and to designate an economic development project area. Such written report shall include such information and advisory, nonbinding recommendations as a majority of the members of the joint review board shall deem relevant. Written reports of joint review boards may include information and advisory, nonbinding recommendations provided by a minority of the members thereof. Any joint review board which does not provide such written report within such 30-day period shall be deemed to have recommended that the county proceed with a proposal to approve an economic development plan and economic development project and to designate an economic development project area.

(c) Notice of the public hearing shall be given by publication and mailing.

(1) Notice by publication shall be given by publication at least twice, the first publication to be not more than 30 nor less than 10 days prior to the hearing in a newspaper of general circulation within the taxing districts having property in the proposed economic development project area. Notice by mailing shall be given by depositing such notice together with a copy of the proposed economic development plan in the United States Postal Service by certified mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract, or parcel of land lying within the proposed economic development project area. The notice shall be mailed not less than 10 days prior to the dates set for the public hearing. In the event taxes for the last preceding year were not paid, the notice shall also be sent to the persons last listed on the tax rolls within the preceding 3 years as the owners of the property.

(2) The notices issued pursuant to this Section shall include the following:

(A) The time and place of public hearing;

(B) The boundaries of the proposed economic development project area by legal description and by street location where possible;

(C) A notification that all interested persons will be given an opportunity to be heard at the public hearing;

(D) An invitation for any person to submit alternative proposals or bids for any proposed conveyance, lease, mortgage or other disposition of land within the proposed economic development project area;

(E) A description of the economic development plan or economic development project if a plan or project is a subject matter of the hearing; and

(F) Such other matters as the county may deem appropriate.

(3) Not less than 45 days prior to the date set for hearing, the county shall give notice by mail as provided in this subsection (c) to all taxing districts of which taxable property is included in the economic development project area, and to the Department. In addition to the other requirements under this subsection (c), the notice shall include an invitation to the Department and each taxing district to submit comments to the county concerning the subject matter of the hearing prior to the date of the hearing.

(d) At the public hearing any interested person, the Department or any affected taxing district may file written objections with the county clerk and may be heard orally with respect to any issues embodied in the notice. The county shall hear and determine all alternate proposals or bids for any proposed conveyance, lease, mortgage or other disposition of land and all protests and objections at the hearing, and the hearing may be adjourned to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the adjourned hearing. Public hearings with regard to an economic development plan, economic development project area, or economic development project may be held simultaneously.

(e) At the public hearing, or at any time prior to the adoption by the county of an ordinance approving an economic development plan, the county may make changes in the economic development plan.

Changes which (1) alter the exterior boundaries of the proposed economic development project area, (2) substantially affect the general land uses established in the proposed economic development plan, (3) substantially change the nature of the proposed economic development plan, (4) change the general description of any proposed developer, user or tenant of any property to be located or improved within the economic development project area, or (5) change the description of the type, class and number of employees to be employed in the operation of the facilities to be developed or improved within the economic development project area shall be made only after review by joint review board, notice and hearing pursuant to the procedures set forth in this Section. Changes which do not (1) alter the exterior boundaries of a proposed economic development project area, (2) substantially affect the general land uses established in the proposed plan, (3) substantially change the nature of the proposed economic development plan, (4) change the general description of any proposed developer, user or tenant of any property to be located or improved within the economic development project area, or (5) change the description of the type, class and number of employees to be employed in the operation of the facilities to be developed or improved within the economic development project area may be made without further notice or hearing, provided that the county shall give notice of its changes by mail to the Department and to each affected taxing district and by publication in a newspaper or newspapers of general circulation with the affected taxing districts. Such notice by mail and by publication shall each occur not later than 10 days following the adoption by ordinance of such changes.

(f) At any time within 90 days of the final adjournment of the public hearing, a county may, by ordinance, approve the economic development plan, establish the economic development project area, and authorize property tax allocation financing for such economic development project area.

Any ordinance adopted by Whiteside County which approves the economic development plan shall contain findings that the economic development project is reasonably expected to create or retain not less than 500 full-time equivalent jobs, that private investment in an amount not less than $25,000,000 is reasonably expected to occur in the economic development project area, that the economic development project will encourage the increase of commerce and industry within the State, thereby reducing the evils attendant upon unemployment and increasing opportunities for personal income, and that the economic development project will increase or maintain the property, sales and income tax bases of the county and of the State.

Any ordinance adopted by Grundy County that approves the economic development plan shall contain findings that the economic development project is reasonably expected to create or retain not less than 250 full-time equivalent jobs, that private investment in an amount not less than $50,000,000 is reasonably expected to occur in the economic development project area, that the economic development project will encourage the increase of commerce and industry within the State, thereby reducing the evils attendant upon unemployment and increasing opportunities for personal income, and that the economic development project will increase or maintain the property, sales, and income tax bases of the county and of the State.

Any ordinance adopted by Stephenson County that approves an economic development plan shall contain findings that (i) the economic development project is reasonably expected to create or retain not less than 500 full-time equivalent jobs; (ii) private investment in an amount not less than $10,000,000 is reasonably expected to occur in the economic development area; (iii) the economic development project will encourage the increase of commerce and industry within the State, thereby reducing the evils attendant upon unemployment and increasing opportunities for personal income; and (iv) the economic development project will increase or maintain the property, sales, and income tax bases of the county and of the State. Before the economic development project area is established by Stephenson County, the following additional conditions must be included in an intergovernmental agreement approved by both the Stephenson County Board and the corporate authorities of the City of Freeport: (i) the corporate authorities of the City of Freeport must concur by resolution with the findings of Stephenson County; (ii) both the corporate authorities of the City of Freeport and the Stephenson County Board shall approve any and all economic or redevelopment agreements and incentives for any economic development project within the economic development area; (iii) any economic development project that receives funds under this Act, except for any economic development project specifically excluded from annexation in the provisions of the intergovernmental agreement, shall agree to and must enter into an annexation agreement with the City of Freeport to annex property included in the economic development project area to the City of Freeport at the first point in time that the property becomes contiguous to the City of Freeport; (iv) the local share of all State occupation and use taxes allocable to the City of Freeport and Stephenson County and derived from commercial projects within the economic development project area shall be equally shared by and between the City of Freeport and Stephenson County for the duration of the economic development project; and (v) any development in the economic

development project area shall be built in accordance with the building and related codes of both the City of Freeport and Stephenson County and the City of Freeport shall approve all provisions for water and sewer service.

Any ordinance adopted by Peoria County that approves an economic development plan shall contain findings that (i) the economic development project is reasonably expected to create or retain not less than 250 full-time equivalent jobs; (ii) private investment in an amount not less than $15,000,000 is reasonably expected to occur in the economic development project area; (iii) the economic development project will encourage the increase of commerce and industry within the State, thereby reducing the evils attendant upon unemployment and increasing opportunities for personal income; and (iv) the economic development project will increase or maintain the property, sales, and income tax bases of the county and of the State.

The ordinance shall also state that the economic development project area shall not include parcels to be used for purposes of residential development. Any ordinance adopted which establishes an economic development project area shall contain the boundaries of such area by legal description and, where possible, by street location. Any ordinance adopted which authorizes property tax allocation financing shall provide that the ad valorem taxes, if any, arising from the levies upon taxable real property in such economic development project area by taxing districts and tax rates determined in the manner provided in subsection (b) of Section 6 of this Act each year after the effective date of the ordinance until economic development project costs and all county obligations financing economic development project costs incurred under this Act have been paid shall be divided as follows:

(1) That portion of taxes levied upon each taxable lot, block, tract or parcel of real property which is attributable to the lower of the current equalized assessed value or the initial equalized assessed value of each such taxable lot, block, tract or parcel of real property in the economic development project area shall be allocated to, and when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of property tax allocation financing.

(2) That portion, if any, of such taxes which is attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract or parcel of real property in the economic development project area over and above the initial equalized assessed value of each property in the economic development project area shall be allocated to and when collected shall be paid to the county treasurer who shall deposit those taxes into a special fund called the special tax allocation fund of the county for the purpose of paying economic development project costs and obligations incurred in the payment thereof.

(g) After a county has by ordinance approved an economic development plan and established an economic development project area, the plan may be amended and the boundaries of the area may be altered only as herein provided. Amendments which (1) alter the exterior boundaries of an economic development project area, (2) substantially affect the general land uses established pursuant to the economic development plan, (3) substantially change the nature of the economic development plan, (4) change the general description of any proposed developer, user, or tenant of any property to be located or improved within the economic development project area, or (5) change the description of the type, class and number of employees to be employed in the operation of the facilities to be developed or improved shall be made only after review by a joint review board, notice and hearing pursuant to the procedures set forth in this Section. Amendments which do not (1) alter the exterior boundaries of an economic development project area, (2) substantially affect the general land uses established in the economic development plan, (3) substantially change the nature of the economic development plan, (4) change the description of any proposed developer, user, or tenant of any property to be located or improved within the economic development project area, or (5) change the description of the type, class and number of employees to be employed in the operation of the facilities to be developed or improved within the economic development project area may be made without further hearing or notice, provided that the county shall give notice of any amendment by mail to the Department and to each taxing district and by publication in a newspaper or newspapers of general circulation within the affected taxing districts. Such notices by mail and by publication shall each occur not later than 10 days following the adoption by ordinance of such amendments.

(h) After the adoption of an ordinance adopting property tax allocation financing for an economic development project area, the county shall annually report to each taxing district having taxable property within such economic development project area (i) any increase or decrease in the equalized assessed value of the real property located within such economic development project area above or below the initial equalized assessed value of such real property, (ii) that portion, if any, of the ad valorem taxes arising from the levies upon taxable real property in such economic development project area by the

taxing districts which is attributable to the increase in the current equalized assessed valuation of each lot, block, tract or parcel of real property in the economic development project area over and above the initial equalized value of each property and which has been allocated to the county in the current year, and (iii) such other information as the county may deem relevant.

(i) The county shall give notice by mail as provided in this Section and shall reconvene the joint review board not less than annually for each of the 2 years following its adoption of an ordinance adopting property tax allocation financing for an economic development project area and not less than once in each 3-year period thereafter. The county shall provide such information, and may provide administrative support and facilities as the joint review board may reasonably require for each of such meetings.

(Source: P.A. 93-959, eff. 8-20-04; 94-259, eff. 1-1-06.)

(55 ILCS 85/5) (from Ch. 34, par. 7005)

Sec. 5. Submission to Department; certification by Department.

(a) The county shall submit certified copies of any ordinances adopted approving a proposed economic development plan, establishing an economic development project area, and authorizing tax increment allocation financing to the Department, together with (1) a map of the economic development project area, (2) a copy of the economic development plan as approved, (3) an analysis, and any supporting documents and statistics, demonstrating (i) that the economic development project is reasonably expected to create or retain not less than 500 full-time equivalent jobs and (ii) that private investment in the amount of not less than $25,000,000 for all ordinances adopted by Whiteside County , ~~and~~ in the amount of not less than $10,000,000 for any ordinance adopted by Stephenson County , and in the amount of not less than $15,000,000 for any ordinance adopted by Peoria County is reasonably expected to occur in the economic development project area, (4) an estimate of the economic impact of the economic development plan and the use of property tax allocation financing upon the revenues of the county and the affected taxing districts, (5) a record of all public hearings held in connection with the establishment of the economic development project area, and (6) such other information as the Department by regulation may require.

(b) Upon receipt of an application from a county the Department shall review the application to determine whether the economic development project area qualifies as an economic development project area under this Act. At its discretion, the Department may accept or reject the application or may request such additional information as it deems necessary or advisable to aid its review. If any such area is found to be qualified to be an economic development project area, the Department shall approve and certify such economic development project area and shall provide written notice of its approval and certification to the county and to the county clerk. In determining whether an economic development project area shall be approved and certified, the Department shall consider (1) whether, without public intervention, the State would suffer substantial economic dislocation, such as relocation of a commercial business or industrial or manufacturing facility to another state, territory or country, or would not otherwise benefit from private investment offering substantial employment opportunities and economic growth, and (2) the impact on the revenues of the county and the affected taxing districts of the use of tax increment allocation financing in connection with the economic development project.

(c) On or before July 1, 2007, the Department shall submit to the General Assembly a report detailing the number of economic development project areas it has approved and certified, the number and type of jobs created or retained therein, the aggregate amount of private investment therein, the impact in the revenues of counties and affected taxing districts of the use of property tax allocation financing therein, and such additional information as the Department may determine to be relevant. On July 1, 2009 ~~2008~~ the authority granted hereunder to counties to establish economic development project areas and to adopt property tax allocation financing in connection therewith and to the Department to approve and certify economic development project areas shall expire unless the General Assembly shall have authorized counties and the Department to continue to exercise the powers granted to them under this Act.

(Source: P.A. 92-791, eff. 8-6-02; 93-959, eff. 8-20-04.)

Section 99. Effective date. This Act takes effect upon becoming law.".

Senate Floor Amendment No. 2 was referred to the Committee on Rules earlier today.

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Risinger, **House Bill No. 4653** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **House Bill No. 4673** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Luechtefeld, **House Bill No. 4727** having been printed, was taken up and read by title a second time.

The following amendments were offered in the Committee on Education, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 4727

AMENDMENT NO. 1. Amend House Bill 4727 as follows:

on page 2, lines 3 and 4, by replacing "~~school term~~" with " or school term, as determined by school board policy,"; and

on page 2, line 5, by replacing "~~school term~~" with " or school term".

AMENDMENT NO. 2 TO HOUSE BILL 4727

AMENDMENT NO. 2. Amend House Bill 4727 by replacing line 10 on page 2 through line 6 on page 3 with the following:
"year.".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Crotty, **House Bill No. 4778** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Licensed Activities, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 4778

AMENDMENT NO. 1. Amend House Bill 4778 on page 23, by deleting lines 1 through 24.

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Holmes, **House Bill No. 5059** having been printed, was taken up and read by title a second time.

Senate Committee Amendment No. 1 was held in the Committee on Rules.

The following amendment was offered in the Committee on Higher Education, adopted and ordered printed:

AMENDMENT NO. 2 TO HOUSE BILL 5059

AMENDMENT NO. 2. Amend House Bill 5059 as follows:

by deleting line 15 on page 6 through line 12 on page 7; and

on page 7, line 16, by replacing "Beginning" with "Subject to appropriation, beginning"; and

by deleting line 17 on page 10 through line 14 on page 11; and

on page 11, immediately below line 14, by inserting the following:

"Section 7. The Academic Degree Act is amended by changing Section 11 as follows:

(110 ILCS 1010/11) (from Ch. 144, par. 241)

Sec. 11. Exemptions. ~~This Act shall not apply to any school or educational institution regulated or approved under the Nurse Practice Act.~~ This Act shall not apply to any of the following:

(a) in-training programs by corporations or other business organizations for the training of their personnel;

(b) education or other improvement programs by business, trade and similar organizations and associations for the benefit of their members only; or

(c) apprentice or other training programs by labor unions.

(Source: P.A. 95-639, eff. 10-5-07.)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 2769** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary Criminal Law, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 2769

AMENDMENT NO. 1. Amend House Bill 2769 on page 11, by deleting line 26; and

on page 12, by deleting lines 1 through 22; and

on page 16, by deleting lines 16 through 26; and

on page 17, by deleting lines 1 through 12; and

on page 25, by deleting lines 25 and 26; and

on page 26, by deleting lines 1 through 21; and

on page 28, by deleting lines 22 through 26; and

on page 29, by deleting lines 1 through 18.

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Haine, **House Bill No. 4461** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Financial Institutions, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 4461

AMENDMENT NO. 1. Amend House Bill 4461 by deleting line 5 on page 4 through line 2 on page 5.

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Haine, **House Bill No. 4668** having been printed, was taken up and read by title a second time.

Senate Committee Amendment No. 1 was held in the Committee on Rules.

The following amendment was offered in the Committee on Judiciary Criminal Law, adopted and ordered printed:

AMENDMENT NO. 2 TO HOUSE BILL 4668

AMENDMENT NO. 2. Amend House Bill 4668 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Sections 5-401.3, 5-401.4, and 5-403 and by adding Section 5-404 as follows:

(625 ILCS 5/5-401.3) (from Ch. 95 1/2, par. 5-401.3)

Sec. 5-401.3. Scrap processors ~~and recyclable metal dealers~~ required to keep records.

(a) Every person licensed or required to be licensed as a scrap processor pursuant to Section 5-301 of this Chapter~~, and every recyclable metal dealer as defined in Section 1-169.3 of this Code,~~ shall maintain for 3 years, at his established place of business, the following records relating to the acquisition of recyclable metals ~~scrap metals~~ or the acquisition of a vehicle, junk vehicle, or vehicle cowl which has been acquired for the purpose of processing into a form other than a vehicle, junk vehicle or vehicle cowl which is possessed in the State or brought into this State from another state, territory or country. No

scrap metal processor ~~or recyclable metal dealer~~ shall sell a vehicle or essential part, as such, except for engines, transmissions, and powertrains, unless licensed to do so under another provision of this Code. A scrap processor ~~or recyclable metal dealer~~ who is additionally licensed as an automotive parts recycler shall not be subject to the record keeping requirements for a scrap processor ~~or recyclable metal dealer~~ when acting as an automotive parts recycler.

(1) For a vehicle, junk vehicle, or vehicle cowl acquired from a person who is licensed under this Chapter, the scrap processor ~~or recyclable metal dealer~~ shall record the name and address of the person, and the Illinois or out-of-state dealer license number of such person on the scrap processor's ~~processor or recyclable metal dealer's~~ weight ticket at the time of the acquisition. The person disposing of the vehicle, junk vehicle, or vehicle cowl shall furnish the scrap processor ~~or recyclable metal dealer~~ with documentary proof of ownership of the vehicle, junk vehicle, or vehicle cowl in one of the following forms: a Certificate of Title, a Salvage Certificate, a Junking Certificate, a Secretary of State Junking Manifest, a Uniform Invoice, a Certificate of Purchase, or other similar documentary proof of ownership. The scrap processor ~~or recyclable metal dealer~~ shall not acquire a vehicle, junk vehicle or vehicle cowl without obtaining one of the aforementioned documentary proofs of ownership.

(2) For a vehicle, junk vehicle or vehicle cowl acquired from a person who is not licensed under this Chapter, the scrap processor ~~or recyclable metal dealer~~ shall verify and record that person's identity by recording the identification of such person from at least 2 sources of identification, one of which shall be a driver's license or State Identification Card, on the scrap processor's ~~processor or recyclable metal dealer's~~ weight ticket at the time of the acquisition. The person disposing of the vehicle, junk vehicle, or vehicle cowl shall furnish the scrap processor ~~or recyclable metal dealer~~ with documentary proof of ownership of the vehicle, junk vehicle, or vehicle cowl in one of the following forms: a Certificate of Title, a Salvage Certificate, a Junking Certificate, a Secretary of State Junking Manifest, a Certificate of Purchase, or other similar documentary proof of ownership. The scrap processor ~~or recyclable metal dealer~~ shall not acquire a vehicle, junk vehicle or vehicle cowl without obtaining one of the aforementioned documentary proofs of ownership.

(3) In addition to the other information required on the scrap processor's ~~processor or recyclable metal dealer's~~ weight ticket, a scrap processor ~~or recyclable metal dealer~~ who at the time of acquisition of a vehicle, junk vehicle, or vehicle cowl is furnished a Certificate of Title, Salvage Certificate or Certificate of Purchase shall record the Vehicle ~~vehicle~~ Identification Number on the weight ticket or affix a copy of the Certificate of Title, Salvage Certificate or Certificate of Purchase to the weight ticket and the identification of the person acquiring the information on the behalf of the scrap processor ~~or recyclable metal dealer~~.

(4) The scrap processor ~~or recyclable metal dealer~~ shall maintain a copy of a Junk Vehicle Notification relating to any Certificate of Title, Salvage Certificate, Certificate of Purchase or similarly acceptable out-of-state document surrendered to the Secretary of State pursuant to the provisions of Section 3-117.2 of this Code.

(5) For recyclable metals ~~scrap metals~~ valued at $100 or more, the scrap processor ~~or recyclable metal dealer~~ shall , for each transaction, ~~verify and~~ record the identity of the person from whom the recyclable metals ~~scrap metals~~ were acquired by verifying ~~recording~~ the identification of that person from one source of identification, which shall be a valid driver's license or State Identification Card, on the scrap processor's ~~processor or recyclable metal dealer's~~ weight ticket at the time of the acquisition and by making and recording a photocopy or electronic scan of the driver's license or State Identification Card. Such information shall be available for inspection by any law enforcement official. If the person delivering the recyclable metal does not have a valid driver's license or State Identification Card, the scrap processor shall not complete the transaction. The inspection of records pertaining only to recyclable ~~scrap~~ metals shall not be counted as an inspection of a premises for purposes of subparagraph (7) of Section 5-403 of this Code.

This subdivision (a)(5) does not apply to electrical contractors, to agencies or instrumentalities of the State of Illinois or of the United States, to common carriers, to purchases from persons, firms, or corporations regularly engaged in the business of manufacturing recyclable metal, in the business of selling recyclable metal at retail or wholesale, or in the business of razing, demolishing, destroying, or removing buildings, to the purchase by one recyclable metal dealer from another, or the purchase from persons, firms, or corporations engaged in either the generation, transmission, or distribution of electric energy or in telephone, telegraph, and other communications if such common carriers, persons, firms, or corporations at the time of the purchase provide the recyclable metal dealer with a bill of sale or other written evidence of title to the recyclable metal.

This subdivision (a)(5) also does not apply to contractual arrangements between dealers.

(b) Any licensee ~~or recyclable metal dealer~~ who knowingly fails to record any of the specific information required to be recorded on the weight ticket required under any other subsection of this Section, or Section 5-401 of this Code, or who knowingly fails to acquire and maintain for 3 years documentary proof of ownership in one of the prescribed forms shall be guilty of a Class A misdemeanor and subject to a fine not to exceed $1,000. Each violation shall constitute a separate and distinct offense and a separate count may be brought in the same complaint for each violation. Any licensee ~~or recyclable metal dealer~~ who commits a second violation of this Section within two years of a previous conviction of a violation of this Section shall be guilty of a Class 4 felony.

(c) It shall be an affirmative defense to an offense brought under paragraph (b) of this Section that the licensee ~~or recyclable metal dealer~~ or person required to be licensed both reasonably and in good faith relied on information appearing on a Certificate of Title, a Salvage Certificate, a Junking Certificate, a Secretary of State Manifest, a Secretary of State's Uniform Invoice, a Certificate of Purchase, or other documentary proof of ownership prepared under Section 3-117.1 (a) of this Code, relating to the transaction for which the required record was not kept which was supplied to the licensee ~~or recyclable metal dealer~~ by another licensee ~~or recyclable metal dealer~~ or an out-of-state dealer.

(d) No later than 15 days prior to going out of business, selling the business, or transferring the ownership of the business, the scrap processor ~~or recyclable metal dealer~~ shall notify the Secretary of that fact. Failure to so notify the Secretary of State shall constitute a failure to keep records under this Section.

(e) Evidence derived directly or indirectly from the keeping of records required to be kept under this Section shall not be admissible in a prosecution of the licensee ~~or recyclable metal dealer~~ for an alleged violation of Section 4-102 (a)(3) of this Code.

(Source: P.A. 95-253, eff. 1-1-08.)

(625 ILCS 5/5-401.4)

Sec. 5-401.4. Purchase of beer kegs by scrap processors ~~and recyclable metal dealers~~.

(a) A scrap processor ~~or recyclable metal dealer~~ may not purchase metal beer kegs from any person other than the beer manufacturer whose identity is printed, stamped, attached, or otherwise displayed on the beer keg, or the manufacturer's authorized representative.

(b) The purchaser shall obtain a proof of ownership record from a person selling the beer keg, including any person selling a beer keg with an indicia of ownership that is obliterated, unreadable, or missing, and shall also verify the seller's identity by a driver's license or other government-issued photo identification. The proof of ownership record shall include all of the following information:

(1) The name, address, telephone number, and signature of the seller or the seller's authorized representative.

(2) The name and address of the buyer, or consignee if not sold.

(3) A description of the beer keg, including its capacity and any indicia of ownership or other distinguishing marks appearing on the exterior surface.

(4) The date of transaction.

(c) The information required to be collected by this Section shall be kept for one year from the date of purchase or delivery, whichever is later.

(Source: P.A. 95-253, eff. 1-1-08.)

(625 ILCS 5/5-403) (from Ch. 95 1/2, par. 5-403)

Sec. 5-403. (1) Authorized representatives of the Secretary of State including officers of the Secretary of State's Department of Police, other peace officers, and such other individuals as the Secretary may designate from time to time shall make inspections of individuals and facilities licensed or required to be licensed under Chapter 5 of the Illinois Vehicle Code for the purpose of reviewing records required to be maintained under Chapter 5 for accuracy and completeness and reviewing and examining the premises of the licensee's established or additional place of business for the purpose of determining the accuracy of the required records. Premises that may be inspected in order to determine the accuracy of the books and records required to be kept includes all premises used by the licensee to store vehicles and parts that are reflected by the required books and records.

(2) Persons having knowledge of or conducting inspections pursuant to this Chapter shall not in advance of such inspections knowingly notify a licensee or representative of a licensee of the contemplated inspection unless the Secretary or an individual designated by him for this purpose authorizes such notification. Any individual who, without authorization, knowingly violates this subparagraph shall be guilty of a Class A misdemeanor.

(3) The licensee or a representative of the licensee shall be entitled to be present during an inspection conducted pursuant to Chapter 5, however, the presence of the licensee or an authorized representative

of the licensee is not a condition precedent to such an inspection.

(4) Inspection conducted pursuant to Chapter 5 may be initiated at any time that business is being conducted or work is being performed, whether or not open to the public or when the licensee or a representative of the licensee, other than a mere custodian or watchman, is present. The fact that a licensee or representative of the licensee leaves the licensed premises after an inspection has been initiated shall not require the termination of the inspection.

(5) Any inspection conducted pursuant to Chapter 5 shall not continue for more than 24 hours after initiation.

(6) In the event information comes to the attention of the individuals conducting an inspection that may give rise to the necessity of obtaining a search warrant, and in the event steps are initiated for the procurement of a search warrant, the individuals conducting such inspection may take all necessary steps to secure the premises under inspection until the warrant application is acted upon by a judicial officer.

(7) No more than 6 inspections of a premises may be conducted pursuant to Chapter 5 within any 6 month period except pursuant to a search warrant. Notwithstanding this limitation, nothing in this subparagraph (7) shall be construed to limit the authority of law enforcement agents to respond to public complaints of violations of the Code. For the purpose of this subparagraph (7), a public complaint is one in which the complainant identifies himself or herself and sets forth, in writing, the specific basis for their complaint against the licensee. For the purpose of this subparagraph (7), the inspection of records pertaining only to recyclable ~~scrap~~ metals, as provided in subdivision (a)(5) of Section 5-401.3 of this Code, shall not be counted as an inspection of a premises.

(8) Nothing in this Section shall be construed to limit the authority of individuals by the Secretary pursuant to this Section to conduct searches of licensees pursuant to a duly issued and authorized search warrant.

(9) Any licensee who, having been informed by a person authorized to make inspections and examine records under this Section that he desires to inspect records and the licensee's premises as authorized by this Section, refuses either to produce for that person records required to be kept by this Chapter or to permit such authorized person to make an inspection of the premises in accordance with this Section shall subject the license to immediate suspension by the Secretary of State.

(10) Beginning July 1, 1988, any person licensed under 5-302 shall produce for inspection upon demand those records pertaining to the acquisition of salvage vehicles in this State. This inspection may be conducted at the principal offices of the Secretary of State.

(Source: P.A. 95-253, eff. 1-1-08.)

(625 ILCS 5/5-404 new)

Sec. 5-404. Injunctions. The Illinois Attorney General or the State's Attorney for the county in which the scrap processor is located may initiate an appropriate action in the circuit court of the county in which a scrap processor is located to prevent the unlawful operation of a scrap processor, or to restrain, correct, or abate a violation of this Act, or to prevent any illegal act or conduct by the scrap processor.

(625 ILCS 5/1-169.3 rep.)

Section 10. The Illinois Vehicle Code is amended by repealing Section 1-169.3.

Section 15. The Copper Purchase Registration Law is amended by changing the title of the Act and Sections 1, 2, 3, 5, 7, and 8 and by adding Sections 4.5 and 9 as follows:

(815 ILCS 325/Act title)

An Act to require the registration of the purchase of recyclable metal ~~copper~~ as herein defined, and providing a penalty for the violation thereof.

(815 ILCS 325/1) (from Ch. 121 1/2, par. 321)

Sec. 1. Short title. This Act ~~is known and~~ may be cited as the Recyclable Metal "~~Copper~~ Purchase Registration Law".

(Source: P.A. 76-1476.)

(815 ILCS 325/2) (from Ch. 121 1/2, par. 322)

Sec. 2. Definitions. When used in this Act:

"Recyclable metal" means any copper, brass, or aluminum, or any combination of those metals, purchased by a recyclable metal dealer, irrespective of form or quantity, except that "recyclable metal" does not include: (i) items designed to contain, or to be used in the preparation of, beverages or food for human consumption; (ii) discarded items of non-commercial or household waste; (iii) gold, silver, platinum, and other precious metals used in jewelry; or (iv) vehicles, junk vehicles, vehicle cowls, or essential vehicle parts. ~~"Copper" means any copper, copper alloy or brass bars, cable, ingots, rods, tubing, wire, wire scraps, clamps, connectors or other appurtenances utilized or that can be utilized by~~

~~common carriers or by persons, firms, corporations or municipal corporations engaged in either the generation, transmission or distribution of electric energy or in telephone, telegraph or other communications;~~

"Recyclable metal ~~Copper~~ dealer" means any individual, firm, corporation or partnership engaged in the business of purchasing and reselling recyclable metal ~~copper~~ either at a permanently established place of business or in connection with a business of an itinerant nature, including junk shops, junk yards, or junk stores, except that "recyclable metal dealer" does not include automotive parts recyclers, scrap processors, repairers and rebuilders licensed pursuant to Section 5-301 of the Illinois Vehicle Code. Recyclable metal dealers shall not be engaged in the business of purchasing or reselling vehicles, junk vehicles, vehicle cowls, or essential vehicle parts ~~, auto wreckers, scrap metal dealers or processors, salvage yards, collectors of or dealers in junk and junk carts or trucks~~.

(Source: P.A. 76-1476.)

(815 ILCS 325/3) (from Ch. 121 1/2, par. 323)

Sec. 3. Records of purchases. Except as provided in Section 5 of this Act every recyclable metal ~~copper~~ dealer in this State shall enter on forms provided by the Department of State Police or such department as may succeed to its functions, for each purchase of recyclable metal valued at $100 ~~copper consisting of 50 pounds~~ or more the following information:

1. The name and address of the recyclable metal ~~copper~~ dealer;

2. The date and place of each purchase;

3. The name and address of the person or persons from whom the recyclable metal ~~copper~~ was purchased , which shall be verified from a valid driver's license or State Identification Card. The recyclable metal dealer shall make and record a photocopy or electronic scan of the driver's license or State Identification Card. If the person delivering the recyclable metal does not have a valid driver's license or State Identification Card, the recyclable metal dealer shall not complete the transaction;

4. The motor vehicle license number and state of issuance of the motor vehicle license number of the vehicle or conveyance on which the recyclable metal ~~copper~~ was

delivered to the recyclable metal ~~copper~~ dealer;

5. A description of the recyclable metal ~~copper~~ purchased, including the weight and whether it consists of

bars, cable, ingots, rods, tubing, wire, wire scraps, clamps, connectors ~~or~~ other appurtenances , or some combination thereof.

A copy of the completed form shall be kept in a separate book or register by the recyclable metal ~~copper~~ dealer and shall be retained for a period of 2 years. Such book or register shall be made available for inspection by any law enforcement official or the representatives of common carriers and persons, firms, corporations or municipal corporations engaged in either the generation, transmission or distribution of electric energy or engaged in telephone, telegraph or other communications, at any time.

(Source: P.A. 94-181, eff. 1-1-06.)

(815 ILCS 325/4.5 new)

Sec. 4.5. Purchase of beer kegs by recyclable metal dealers.

(a) A recyclable metal dealer may not purchase metal beer kegs from any person other than the beer manufacturer whose identity is printed, stamped, attached, or otherwise displayed on the beer keg, or from the manufacturer's authorized representative.

(b) The purchaser shall obtain a proof of ownership record from a person selling the beer keg, including any person selling a beer keg with an indicia of ownership that is obliterated, unreadable, or missing, and shall also verify the seller's identity by a driver's license or other government-issued photo identification. The proof of ownership record shall include all of the following information:

(1) The name, address, telephone number, and signature of the seller or the seller's authorized representative.

(2) The name and address of the buyer, or consignee if not sold.

(3) A description of the beer keg, including its capacity and any indicia of ownership or other distinguishing marks appearing on the exterior surface.

(4) The date of transaction.

(c) The information required to be collected by this Section shall be kept for one year from the date of purchase or delivery, whichever is later.

(815 ILCS 325/5) (from Ch. 121 1/2, par. 325)

Sec. 5. Exemptions. The provisions of Section 3 of this Act do not apply to electrical contractors, to agencies or instrumentalities of the State of Illinois or of the United States, to common carriers or to purchases from persons, firms or corporations regularly engaged in the business of manufacturing recyclable metal ~~copper~~, the business of selling recyclable metal ~~copper~~ at retail or wholesale, in the

business of razing, demolishing, destroying or removing buildings, to the purchase of one recyclable metal ~~copper~~ dealer from another or the purchase from persons, firms or corporations engaged in either the generation, transmission or distribution of electric energy or in telephone, telegraph and other communications if such common carriers, persons, firms or corporations at the time of the purchase provide the recyclable metal ~~copper~~ dealer with a bill of sale or other written evidence of title to the recyclable metal ~~copper~~.

(Source: P.A. 94-181, eff. 1-1-06.)

(815 ILCS 325/7) (from Ch. 121 1/2, par. 327)

Sec. 7. Inapplicability. This Act shall not apply in any municipality that ~~which~~ provides for the registration of recyclable metal ~~copper~~ purchased by resolution, ordinance or regulation that ~~which~~ substantially complies with the substantive provisions of this Act or any rule or regulation hereunder with the exception of the penalty provisions. The fact of such nonapplication shall be evidenced by a certificate of exemption issued by the Department of State Police or such department as may succeed to its functions, if it finds that a municipal resolution, ordinance, or regulation meeting such requirements is being enforced. The ~~Such~~ certificate of exemption shall be available for inspection in the office of the municipal clerk. This Act does not apply in municipalities with populations of 1,000,000 or over.

(Source: P.A. 84-25.)

(815 ILCS 325/8) (from Ch. 121 1/2, par. 328)

Sec. 8. Penalty. Any recyclable metal ~~copper~~ dealer who knowingly fails to comply with this Act is guilty of a Class A ~~B~~ misdemeanor for the first offense, and a Class 4 felony for the second or subsequent offense. Each day that any recyclable metal ~~copper~~ dealer so fails to comply shall constitute a separate offense.

(Source: P.A. 77-2262.)

(815 ILCS 325/9 new)

Sec. 9. Injunctions. The Illinois Attorney General or the State's Attorney for the county in which the recyclable metal dealer is located may initiate an appropriate action in the circuit court of the county in which a recyclable metal dealer is located to prevent the unlawful operation of a recyclable metal dealer, or to restrain, correct, or abate a violation of this Act, or to prevent any illegal act or conduct by the recyclable metal dealer.

Section 99. Effective date. This Act takes effect January 2, 2009.".

There being no further amendments, the bill, as amended, was ordered to a third reading.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator DeLeo, **House Bill No. 5204**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Forby	Lauzen	Righter
Bivins	Frerichs	Lightford	Rutherford
Bomke	Garrett	Link	Schoenberg
Bond	Haine	Luechtefeld	Silverstein
Brady	Halvorson	Maloney	Steans
Burzynski	Harmon	Martinez	Sullivan
Clayborne	Hendon	Millner	Syverson
Cronin	Holmes	Munoz	Trotter
Crotty	Hultgren	Murphy	Viverito
Cullerton	Hunter	Noland	Watson
DeLeo	Jacobs	Pankau	Wilhelmi
Delgado	Jones, J.	Peterson	Mr. President

Demuzio	Koehler	Radogno
Dillard	Kotowski	Raoul

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

HOUSE BILL RECALLED

On motion of Senator Link, **House Bill No. 5494** was recalled from the order of third reading to the order of second reading.

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 5494

AMENDMENT NO. _2_. Amend House Bill 5494, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 3, line 9 by inserting ", to Old Heritage Landscape" after "Illinois".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Link, **House Bill No. 5494**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

Yeas 57; Nays None.

The following voted in the affirmative:

Althoff	Forby	Lightford	Risinger
Bivins	Frerichs	Link	Rutherford
Bomke	Garrett	Luechtefeld	Schoenberg
Bond	Haine	Maloney	Silverstein
Brady	Halvorson	Martinez	Steans
Burzynski	Harmon	Meeks	Sullivan
Clayborne	Hendon	Millner	Syverson
Collins	Holmes	Munoz	Trotter
Cronin	Hultgren	Murphy	Viverito
Cullerton	Hunter	Noland	Watson
Dahl	Jacobs	Pankau	Wilhelmi
DeLeo	Jones, J.	Peterson	Mr. President
Delgado	Koehler	Radogno	
Demuzio	Kotowski	Raoul	
Dillard	Lauzen	Righter	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

On motion of Senator Millner, **House Bill No. 5524**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Lauzen	Righter
Bivins	Forby	Lightford	Risinger
Bomke	Frerichs	Link	Rutherford
Bond	Garrett	Luechtefeld	Schoenberg
Brady	Haine	Maloney	Silverstein
Burzynski	Halvorson	Martinez	Steans
Clayborne	Harmon	Meeks	Sullivan
Collins	Hendon	Millner	Syverson
Cronin	Holmes	Munoz	Trotter
Crotty	Hultgren	Murphy	Viverito
Cullerton	Hunter	Noland	Watson
Dahl	Jacobs	Pankau	Wilhelmi
DeLeo	Jones, J.	Peterson	Mr. President
Delgado	Koehler	Radogno	
Demuzio	Kotowski	Raoul	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Althoff, **House Bill No. 5586**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 57; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Lauzen	Risinger
Bivins	Forby	Lightford	Rutherford
Bomke	Frerichs	Link	Schoenberg
Bond	Garrett	Luechtefeld	Silverstein
Brady	Haine	Maloney	Steans
Burzynski	Halvorson	Meeks	Sullivan
Clayborne	Harmon	Millner	Syverson
Collins	Hendon	Munoz	Trotter
Cronin	Holmes	Murphy	Viverito
Crotty	Hultgren	Noland	Watson
Cullerton	Hunter	Pankau	Wilhelmi
Dahl	Jacobs	Peterson	Mr. President
DeLeo	Jones, J.	Radogno	
Delgado	Koehler	Raoul	
Demuzio	Kotowski	Righter	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

HOUSE BILL RECALLED

On motion of Senator Crotty, **House Bill No. 5595** was recalled from the order of third reading to the order of second reading.

Senator Crotty offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO HOUSE BILL 5595

AMENDMENT NO. 3. Amend House Bill 5595 by replacing everything after the enacting clause with the following:

"Section 5. The State Employees Group Insurance Act of 1971 is amended by changing Section 6.11 as follows:

(5 ILCS 375/6.11)

Sec. 6.11. Required health benefits; Illinois Insurance Code requirements. The program of health benefits shall provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t of the Illinois Insurance Code. The program of health benefits shall provide the coverage required under Sections 356g.5, 356u, 356w, 356x, 356z.2, 356z.4, 356z.6, ~~and~~ 356z.9, 356z.10, and 356z.11 ~~and 356z.9~~ of the Illinois Insurance Code. The program of health benefits must comply with Section 155.37 of the Illinois Insurance Code.

(Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07; 95-520, eff. 8-28-07; revised 12-4-07.)

Section 10. The Counties Code is amended by changing Section 5-1069.3 as follows:

(55 ILCS 5/5-1069.3)

Sec. 5-1069.3. Required health benefits. If a county, including a home rule county, is a self-insurer for purposes of providing health insurance coverage for its employees, the coverage shall include coverage for the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356g.5, 356u, 356w, 356x, 356z.6, ~~and~~ 356z.9, 356z.10, and 356z.11 ~~and 356z.9~~ of the Illinois Insurance Code. The requirement that health benefits be covered as provided in this Section is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution. A home rule county to which this Section applies must comply with every provision of this Section.

(Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07; 95-520, eff. 8-28-07; revised 12-4-07.)

Section 15. The Illinois Municipal Code is amended by changing Section 10-4-2.3 as follows:

(65 ILCS 5/10-4-2.3)

Sec. 10-4-2.3. Required health benefits. If a municipality, including a home rule municipality, is a self-insurer for purposes of providing health insurance coverage for its employees, the coverage shall include coverage for the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356g.5, 356u, 356w, 356x, 356z.6, ~~and~~ 356z.9, 356z.10, and 356z.11 ~~and 356z.9~~ of the Illinois Insurance Code. The requirement that health benefits be covered as provided in this is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution. A home rule municipality to which this Section applies must comply with every provision of this Section.

(Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07; 95-520, eff. 8-28-07; revised 12-4-07.)

Section 20. The School Code is amended by changing Section 10-22.3f as follows:

(105 ILCS 5/10-22.3f)

Sec. 10-22.3f. Required health benefits. Insurance protection and benefits for employees shall provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356g.5, 356u, 356w, 356x, 356z.6, ~~and~~ 356z.9 , and 356z.11 of the Illinois Insurance Code.

(Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07; revised 12-4-07.)

Section 25. The Illinois Insurance Code is amended by adding Sections 356z.11 and 370c as follows:

(215 ILCS 5/356z.11 new)

Sec. 356z.11. Habilitative services for children.

(a) As used in this Section, "habilitative services" means occupational therapy, physical therapy, speech therapy, and other services prescribed by the insured's treating physician pursuant to a treatment plan to enhance the ability of a child to function with a congenital, genetic, or early acquired disorder. A congenital or genetic disorder includes, but is not limited to, hereditary disorders. An early acquired disorder refers to a disorder resulting from illness, trauma, injury, or some other event or condition suffered by a child prior to that child developing functional life skills such as, but not limited to, walking, talking, or self-help skills. Congenital, genetic, and early acquired disorders may include, but are not limited to, autism or an autism spectrum disorder, cerebral palsy, and other disorders resulting from early childhood illness, trauma, or injury.

(b) A group or individual policy of accident and health insurance or managed care plan amended, delivered, issued, or renewed after the effective date of this amendatory Act of the 95th General Assembly must provide coverage for habilitative services for children under 19 years of age with a congenital, genetic, or early acquired disorder so long as all of the following conditions are met:

(1) A physician licensed to practice medicine in all its branches has diagnosed the child's congenital, genetic, or early acquired disorder.

(2) The treatment is administered by a licensed speech-language pathologist, licensed audiologist, licensed occupational therapist, licensed physical therapist, licensed physician, licensed nurse, licensed optometrist, licensed nutritionist, licensed social worker, or licensed psychologist upon the referral of a physician licensed to practice medicine in all its branches.

(3) The initial or continued treatment must be medically necessary and therapeutic and not experimental or investigational.

(c) The coverage required by this Section shall be subject to other general exclusions and limitations of the policy, including coordination of benefits, participating provider requirements, restrictions on services provided by family or household members, utilization review of health care services, including review of medical necessity, case management, experimental, and investigational treatments, and other managed care provisions.

(d) Coverage under this Section does not apply to those services that are solely educational in nature or otherwise paid under State or federal law for purely educational services. Nothing in this subsection (d) relieves an insurer or similar third party from an otherwise valid obligation to provide or to pay for services provided to a child with a disability.

(e) Coverage under this Section for children under age 19 shall not apply to treatment of mental or emotional disorders or illnesses as covered under Section 370 of this Code as well as any other benefit based upon a specific diagnosis that may be otherwise required by law.

(f) The provisions of this Section do not apply to short-term travel, accident-only, limited, or specific disease policies.

(g) Any denial of care for habilitative services shall be subject to appeal and external independent review procedures as provided by Section 45 of the Managed Care Reform and Patient Rights Act.

(h) Upon request of the reimbursing insurer, the provider under whose supervision the habilitative services are being provided shall furnish medical records, clinical notes, or other necessary data to allow the insurer to substantiate that initial or continued medical treatment is medically necessary and that the patient's condition is clinically improving. When the treating provider anticipates that continued treatment is or will be required to permit the patient to achieve demonstrable progress, the insurer may request that the provider furnish a treatment plan consisting of diagnosis, proposed treatment by type, frequency, anticipated duration of treatment, the anticipated goals of treatment, and how frequently the treatment plan will be updated.

(215 ILCS 5/370c) (from Ch. 73, par. 982c)

Sec. 370c. Mental and emotional disorders.

(a) (1) On and after the effective date of this Section, every insurer which delivers, issues for delivery or renews or modifies group A&H policies providing coverage for hospital or medical treatment or services for illness on an expense-incurred basis shall offer to the applicant or group policyholder subject to the insurers standards of insurability, coverage for reasonable and necessary treatment and services for mental, emotional or nervous disorders or conditions, other than serious mental illnesses as defined in item (2) of subsection (b), up to the limits provided in the policy for other disorders or conditions, except (i) the insured may be required to pay up to 50% of expenses incurred as a result of the treatment or services, and (ii) the annual benefit limit may be limited to the lesser of $10,000 or 25% of the lifetime policy limit.

(2) Each insured that is covered for mental, emotional or nervous disorders or conditions shall be free to select the physician licensed to practice medicine in all its branches, licensed clinical psychologist,

licensed clinical social worker, or licensed clinical professional counselor of his choice to treat such disorders, and the insurer shall pay the covered charges of such physician licensed to practice medicine in all its branches, licensed clinical psychologist, licensed clinical social worker, or licensed clinical professional counselor up to the limits of coverage, provided (i) the disorder or condition treated is covered by the policy, and (ii) the physician, licensed psychologist, licensed clinical social worker, or licensed clinical professional counselor is authorized to provide said services under the statutes of this State and in accordance with accepted principles of his profession.

(3) Insofar as this Section applies solely to licensed clinical social workers and licensed clinical professional counselors, those persons who may provide services to individuals shall do so after the licensed clinical social worker or licensed clinical professional counselor has informed the patient of the desirability of the patient conferring with the patient's primary care physician and the licensed clinical social worker or licensed clinical professional counselor has provided written notification to the patient's primary care physician, if any, that services are being provided to the patient. That notification may, however, be waived by the patient on a written form. Those forms shall be retained by the licensed clinical social worker or licensed clinical professional counselor for a period of not less than 5 years.

(b) (1) An insurer that provides coverage for hospital or medical expenses under a group policy of accident and health insurance or health care plan amended, delivered, issued, or renewed after the effective date of this amendatory Act of the 92nd General Assembly shall provide coverage under the policy for treatment of serious mental illness under the same terms and conditions as coverage for hospital or medical expenses related to other illnesses and diseases. The coverage required under this Section must provide for same durational limits, amount limits, deductibles, and co-insurance requirements for serious mental illness as are provided for other illnesses and diseases. This subsection does not apply to coverage provided to employees by employers who have 50 or fewer employees.

(2) "Serious mental illness" means the following psychiatric illnesses as defined in the most current edition of the Diagnostic and Statistical Manual (DSM) published by the American Psychiatric Association:

(A) schizophrenia;

(B) paranoid and other psychotic disorders;

(C) bipolar disorders (hypomanic, manic, depressive, and mixed);

(D) major depressive disorders (single episode or recurrent);

(E) schizoaffective disorders (bipolar or depressive);

(F) pervasive developmental disorders;

(G) obsessive-compulsive disorders;

(H) depression in childhood and adolescence;

(I) panic disorder; and

(J) post-traumatic stress disorders (acute, chronic, or with delayed onset).

(3) Upon request of the reimbursing insurer, a provider of treatment of serious mental illness shall furnish medical records or other necessary data that substantiate that initial or continued treatment is at all times medically necessary. An insurer shall provide a mechanism for the timely review by a provider holding the same license and practicing in the same specialty as the patient's provider, who is unaffiliated with the insurer, jointly selected by the patient (or the patient's next of kin or legal representative if the patient is unable to act for himself or herself), the patient's provider, and the insurer in the event of a dispute between the insurer and patient's provider regarding the medical necessity of a treatment proposed by a patient's provider. If the reviewing provider determines the treatment to be medically necessary, the insurer shall provide reimbursement for the treatment. Future contractual or employment actions by the insurer regarding the patient's provider may not be based on the provider's participation in this procedure. Nothing prevents the insured from agreeing in writing to continue treatment at his or her expense. When making a determination of the medical necessity for a treatment modality for serous mental illness, an insurer must make the determination in a manner that is consistent with the manner used to make that determination with respect to other diseases or illnesses covered under the policy, including an appeals process.

(4) A group health benefit plan:

(A) shall provide coverage based upon medical necessity for the following treatment of mental illness in each calendar year:

(i) 45 days of inpatient treatment; and

(ii) beginning on June 26, 2006 (the effective date of Public Act 94-921), 60 visits for outpatient treatment including group and individual outpatient treatment; and

(iii) for plans or policies delivered, issued for delivery, renewed, or modified after January 1, 2007 (the effective date of Public Act 94-906), 20 additional outpatient visits for

speech therapy for treatment of pervasive developmental disorders that will be in addition to speech therapy provided pursuant to item (ii) of this subparagraph (A);

(B) may not include a lifetime limit on the number of days of inpatient treatment or the number of outpatient visits covered under the plan; and

(C) shall include the same amount limits, deductibles, copayments, and coinsurance factors for serious mental illness as for physical illness.

(5) An issuer of a group health benefit plan may not count toward the number of outpatient visits required to be covered under this Section an outpatient visit for the purpose of medication management and shall cover the outpatient visits under the same terms and conditions as it covers outpatient visits for the treatment of physical illness.

(6) An issuer of a group health benefit plan may provide or offer coverage required under this Section through a managed care plan.

(7) This Section shall not be interpreted to require a group health benefit plan to provide coverage for treatment of:

(A) an addiction to a controlled substance or cannabis that is used in violation of law; or

(B) mental illness resulting from the use of a controlled substance or cannabis in violation of law.

(8) (Blank).

(c) This Section shall not be interpreted to require coverage for speech therapy or other habilitative services for those individuals covered under Section 356z.11 of this Code.

(Source: P.A. 94-402, eff. 8-2-05; 94-584, eff. 8-15-05; 94-906, eff. 1-1-07; 94-921, eff. 6-26-06; 95-331, eff. 8-21-07.)

Section 30. The Health Maintenance Organization Act is amended by changing Section 5-3 as follows:

(215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)

Sec. 5-3. Insurance Code provisions.

(a) Health Maintenance Organizations shall be subject to the provisions of Sections 133, 134, 137, 140, 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04, 355.2, 356m, 356v, 356w, 356x, 356y, 356z.2, 356z.4, 356z.5, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11 ~~356z.9~~, 364.01, 367.2, 367.2-5, 367i, 368a, 368b, 368c, 368d, 368e, 370c, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1, paragraph (c) of subsection (2) of Section 367, and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the Illinois Insurance Code.

(b) For purposes of the Illinois Insurance Code, except for Sections 444 and 444.1 and Articles XIII and XIII 1/2, Health Maintenance Organizations in the following categories are deemed to be "domestic companies":

(1) a corporation authorized under the Dental Service Plan Act or the Voluntary Health Services Plans Act;

(2) a corporation organized under the laws of this State; or

(3) a corporation organized under the laws of another state, 30% or more of the enrollees of which are residents of this State, except a corporation subject to substantially the same requirements in its state of organization as is a "domestic company" under Article VIII 1/2 of the Illinois Insurance Code.

(c) In considering the merger, consolidation, or other acquisition of control of a Health Maintenance Organization pursuant to Article VIII 1/2 of the Illinois Insurance Code,

(1) the Director shall give primary consideration to the continuation of benefits to enrollees and the financial conditions of the acquired Health Maintenance Organization after the merger, consolidation, or other acquisition of control takes effect;

(2)(i) the criteria specified in subsection (1)(b) of Section 131.8 of the Illinois Insurance Code shall not apply and (ii) the Director, in making his determination with respect to the merger, consolidation, or other acquisition of control, need not take into account the effect on competition of the merger, consolidation, or other acquisition of control;

(3) the Director shall have the power to require the following information:

(A) certification by an independent actuary of the adequacy of the reserves of the Health Maintenance Organization sought to be acquired;

(B) pro forma financial statements reflecting the combined balance sheets of the acquiring company and the Health Maintenance Organization sought to be acquired as of the end of the preceding year and as of a date 90 days prior to the acquisition, as well as pro forma financial

statements reflecting projected combined operation for a period of 2 years;

(C) a pro forma business plan detailing an acquiring party's plans with respect to the operation of the Health Maintenance Organization sought to be acquired for a period of not less than 3 years; and

(D) such other information as the Director shall require.

(d) The provisions of Article VIII 1/2 of the Illinois Insurance Code and this Section 5-3 shall apply to the sale by any health maintenance organization of greater than 10% of its enrollee population (including without limitation the health maintenance organization's right, title, and interest in and to its health care certificates).

(e) In considering any management contract or service agreement subject to Section 141.1 of the Illinois Insurance Code, the Director (i) shall, in addition to the criteria specified in Section 141.2 of the Illinois Insurance Code, take into account the effect of the management contract or service agreement on the continuation of benefits to enrollees and the financial condition of the health maintenance organization to be managed or serviced, and (ii) need not take into account the effect of the management contract or service agreement on competition.

(f) Except for small employer groups as defined in the Small Employer Rating, Renewability and Portability Health Insurance Act and except for medicare supplement policies as defined in Section 363 of the Illinois Insurance Code, a Health Maintenance Organization may by contract agree with a group or other enrollment unit to effect refunds or charge additional premiums under the following terms and conditions:

(i) the amount of, and other terms and conditions with respect to, the refund or additional premium are set forth in the group or enrollment unit contract agreed in advance of the period for which a refund is to be paid or additional premium is to be charged (which period shall not be less than one year); and

(ii) the amount of the refund or additional premium shall not exceed 20% of the Health Maintenance Organization's profitable or unprofitable experience with respect to the group or other enrollment unit for the period (and, for purposes of a refund or additional premium, the profitable or unprofitable experience shall be calculated taking into account a pro rata share of the Health Maintenance Organization's administrative and marketing expenses, but shall not include any refund to be made or additional premium to be paid pursuant to this subsection (f)). The Health Maintenance Organization and the group or enrollment unit may agree that the profitable or unprofitable experience may be calculated taking into account the refund period and the immediately preceding 2 plan years.

The Health Maintenance Organization shall include a statement in the evidence of coverage issued to each enrollee describing the possibility of a refund or additional premium, and upon request of any group or enrollment unit, provide to the group or enrollment unit a description of the method used to calculate (1) the Health Maintenance Organization's profitable experience with respect to the group or enrollment unit and the resulting refund to the group or enrollment unit or (2) the Health Maintenance Organization's unprofitable experience with respect to the group or enrollment unit and the resulting additional premium to be paid by the group or enrollment unit.

In no event shall the Illinois Health Maintenance Organization Guaranty Association be liable to pay any contractual obligation of an insolvent organization to pay any refund authorized under this Section.
(Source: P.A. 94-906, eff. 1-1-07; 94-1076, eff. 12-29-06; 95-422, eff. 8-24-07; 95-520, eff. 8-28-07; revised 12-4-07.)

Section 35. The Voluntary Health Services Plans Act is amended by changing Section 10 as follows:
(215 ILCS 165/10) (from Ch. 32, par. 604)

Sec. 10. Application of Insurance Code provisions. Health services plan corporations and all persons interested therein or dealing therewith shall be subject to the provisions of Articles IIA and XII 1/2 and Sections 3.1, 133, 140, 143, 143c, 149, 155.37, 354, 355.2, 356g.5, 356r, 356t, 356u, 356v, 356w, 356x, 356y, 356z.1, 356z.2, 356z.4, 356z.5, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11 ~~356z.9~~, 364.01, 367.2, 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, and 412, and paragraphs (7) and (15) of Section 367 of the Illinois Insurance Code.
(Source: P.A. 94-1076, eff. 12-29-06; 95-189, eff. 8-16-07; 95-331, eff. 8-21-07; 95-422, eff. 8-24-07; 95-520, eff. 8-28-07; revised 12-5-07.)

Section 90. The State Mandates Act is amended by adding Section 8.32 as follows:
(30 ILCS 805/8.32 new)

Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 95th

General Assembly.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Crotty, **House Bill No. 5595**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Lauzen	Righter
Bivins	Forby	Lightford	Risinger
Bomke	Frerichs	Link	Rutherford
Bond	Garrett	Luechtefeld	Schoenberg
Brady	Haine	Maloney	Silverstein
Burzynski	Halvorson	Martinez	Steans
Clayborne	Harmon	Meeks	Sullivan
Collins	Hendon	Millner	Syverson
Cronin	Holmes	Munoz	Trotter
Crotty	Hultgren	Murphy	Viverito
Cullerton	Hunter	Noland	Watson
Dahl	Jacobs	Pankau	Wilhelmi
DeLeo	Jones, J.	Peterson	Mr. President
Delgado	Koehler	Radogno	
Demuzio	Kotowski	Raoul	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

On motion of Senator Dillard, **House Bill No. 5603**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 57; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Lightford	Risinger
Bivins	Forby	Link	Rutherford
Bomke	Frerichs	Luechtefeld	Schoenberg
Bond	Garrett	Maloney	Silverstein
Brady	Haine	Martinez	Steans
Burzynski	Halvorson	Meeks	Sullivan
Clayborne	Harmon	Millner	Syverson
Collins	Hendon	Munoz	Trotter

Cronin	Holmes	Murphy	Viverito
Crotty	Hultgren	Noland	Watson
Cullerton	Hunter	Pankau	Wilhelmi
Dahl	Jones, J.	Peterson	Mr. President
DeLeo	Koehler	Radogno	
Delgado	Kotowski	Raoul	
Demuzio	Lauzen	Righter	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Hultgren, **House Bill No. 5905**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Lauzen	Righter
Bivins	Forby	Lightford	Risinger
Bomke	Frerichs	Link	Rutherford
Bond	Garrett	Luechtefeld	Schoenberg
Brady	Haine	Maloney	Silverstein
Burzynski	Halvorson	Martinez	Steans
Clayborne	Harmon	Meeks	Sullivan
Collins	Hendon	Millner	Syverson
Cronin	Holmes	Munoz	Trotter
Crotty	Hultgren	Murphy	Viverito
Cullerton	Hunter	Noland	Watson
Dahl	Jacobs	Pankau	Wilhelmi
DeLeo	Jones, J.	Peterson	Mr. President
Delgado	Koehler	Radogno	
Demuzio	Kotowski	Raoul	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK

Senator Martinez moved that **Senate Resolution No. 574**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Martinez moved that Senate Resolution No. 574 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Martinez moved that Senate **Resolution No. 589**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

The following amendment was offered in the Committee on State Government and Veterans Affairs, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE RESOLUTION 589

AMENDMENT NO. 1. Amend Senate Resolution 589 on page 5, by replacing line 13 with the following:
"proud; and

WHEREAS, On March 31, 2008, Northeastern Illinois University celebrated and honored the life and legacy of Cesar Chavez; therefore, be it".

Senator Martinez moved that Senate Resolution No. 589, as amended, be adopted.
The motion prevailed.
And the resolution, as amended, was adopted.

Senator E. Jones moved that **Senate Joint Resolution No. 76**, on the Secretary's Desk, be taken up for immediate consideration.
The motion prevailed.
Senator E. Jones moved that Senate Joint Resolution No. 76 be adopted.
The motion prevailed.
And the resolution was adopted.
Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator E. Jones moved that **Senate Joint Resolution No. 82**, on the Secretary's Desk, be taken up for immediate consideration.
The motion prevailed.
Senator E. Jones moved that Senate Joint Resolution No. 82 be adopted.
And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Lauzen	Righter
Bivins	Forby	Lightford	Risinger
Bomke	Frerichs	Link	Rutherford
Bond	Garrett	Luechtefeld	Schoenberg
Brady	Haine	Maloney	Silverstein
Burzynski	Halvorson	Martinez	Steans
Clayborne	Harmon	Meeks	Sullivan
Collins	Hendon	Millner	Syverson
Cronin	Holmes	Munoz	Trotter
Crotty	Hultgren	Murphy	Viverito
Cullerton	Hunter	Noland	Watson
Dahl	Jacobs	Pankau	Wilhelmi
DeLeo	Jones, J.	Peterson	Mr. President
Delgado	Koehler	Radogno	
Demuzio	Kotowski	Raoul	

The motion prevailed.
And the resolution was adopted.
Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Pankau moved that **Senate Joint Resolution No. 93**, on the Secretary's Desk, be taken up for immediate consideration.
The motion prevailed.
Senator Pankau moved that Senate Joint Resolution No. 93 be adopted.
The motion prevailed.
And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Righter moved that **House Joint Resolution No. 36**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Righter moved that House Joint Resolution No. 36 be adopted.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Lauzen	Righter
Bivins	Forby	Lightford	Risinger
Bomke	Frerichs	Link	Rutherford
Bond	Garrett	Luechtefeld	Schoenberg
Brady	Haine	Maloney	Silverstein
Burzynski	Halvorson	Martinez	Steans
Clayborne	Harmon	Meeks	Sullivan
Collins	Hendon	Millner	Syverson
Cronin	Holmes	Munoz	Trotter
Crotty	Hultgren	Murphy	Viverito
Cullerton	Hunter	Noland	Watson
Dahl	Jacobs	Pankau	Wilhelmi
DeLeo	Jones, J.	Peterson	Mr. President
Delgado	Koehler	Radogno	
Demuzio	Kotowski	Raoul	

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Harmon moved that **House Joint Resolution No. 78**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

The following amendment was offered in the Committee on Labor, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE JOINT RESOLUTION 78

AMENDMENT NO. 1. Amend House Joint Resolution 78 as follows:

on page 1, line 2, after "Illinois", by inserting "General Assembly"; and

on page 1, lines 10, 16, and 20, by deleting "hourly" each time it appears; and

on page 2, line 6, by deleting "hourly".

Senator Harmon moved that House Joint Resolution No. 78, as amended, be adopted.

The motion prevailed.

And the resolution, as amended, was adopted.

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Collins moved that **Senate Resolution No. 590**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Collins moved that Senate Resolution No. 590 be adopted.

The motion prevailed.
And the resolution was adopted.

Senator Kotowski moved that **Senate Resolution No. 628**, on the Secretary's Desk, be taken up for immediate consideration.
The motion prevailed.
Senator Kotowski moved that Senate Resolution No. 628 be adopted.
The motion prevailed.
And the resolution was adopted.

Senator Bond moved that **Senate Joint Resolution No. 101**, on the Secretary's Desk, be taken up for immediate consideration.
The motion prevailed.
Senate Committee Amendment No. 1 was held in the Committee on Rules.
The following amendment was offered in the Committee on State Government and Veterans Affairs, adopted and ordered printed:

AMENDMENT NO. 2 TO SENATE JOINT RESOLUTION 101

AMENDMENT NO. 2. Amend Senate Joint Resolution 101 on page 2, line 3, by replacing "of long-term liabilities" with "regarding the safety and security of facilities and materials in the immediate term and on an ongoing basis and questions regarding long-term liabilities"; and

on page 2, line 15, by replacing "9" with "11"; and

on page 2, line 15, by deleting "appointed"; and

by replacing line 21 on page 2 through line 4 on page 3 with the following:
"chosen by the Attorney General, the Director of the Illinois Environmental Protection Agency, or his or her designee, the Director of the Illinois Power Agency, or his or her designee, the Director of the Illinois Emergency Management Agency, or his or her designee, and selected jointly by the co-chairpersons one member from the business community, one member from the environmental community, and one member with homeland security experience in a government agency; and be it further"; and

on page 3, by replacing lines 16 and 17 with the following:
"(3) the re-processing of spent nuclear fuel;
(4) critical security issues, including, but not limited to, facility security requirements, personnel security requirements, the complementary and overlapping requirements imposed by the federal Department of Homeland Security, the federal Nuclear Regulatory Commission, and other agencies, key metrics, and audit programs to ensure ongoing security compliance; and
(5) the existing moratorium on new nuclear power".

Senator Bond moved that Senate Joint Resolution No. 101, as amended, be adopted.
And on that motion a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Lauzen	Righter
Bivins	Forby	Lightford	Risinger
Bomke	Frerichs	Link	Rutherford
Bond	Garrett	Luechtefeld	Schoenberg
Brady	Haine	Maloney	Silverstein
Burzynski	Halvorson	Martinez	Steans
Clayborne	Harmon	Meeks	Sullivan
Collins	Hendon	Millner	Syverson

Cronin	Holmes	Munoz	Trotter
Crotty	Hultgren	Murphy	Viverito
Cullerton	Hunter	Noland	Watson
Dahl	Jacobs	Pankau	Wilhelmi
DeLeo	Jones, J.	Peterson	Mr. President
Delgado	Koehler	Radogno	
Demuzio	Kotowski	Raoul	

The motion prevailed.

And the resolution, as amended, was adopted.

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Bond moved that **House Joint Resolution No. 107**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Bond moved that House Joint Resolution No. 107 be adopted.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Lauzen	Righter
Bivins	Forby	Lightford	Risinger
Bomke	Frerichs	Link	Rutherford
Bond	Garrett	Luechtefeld	Schoenberg
Brady	Haine	Maloney	Silverstein
Burzynski	Halvorson	Martinez	Steans
Clayborne	Harmon	Meeks	Sullivan
Collins	Hendon	Millner	Syverson
Cronin	Holmes	Munoz	Trotter
Crotty	Hultgren	Murphy	Viverito
Cullerton	Hunter	Noland	Watson
Dahl	Jacobs	Pankau	Wilhelmi
DeLeo	Jones, J.	Peterson	Mr. President
Delgado	Koehler	Radogno	
Demuzio	Kotowski	Raoul	

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Silverstein moved that **House Joint Resolution No. 92**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Silverstein moved that House Joint Resolution No. 92 be adopted.

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK

On motion of Senator Schoenberg, **Senate Bill No. 1923**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Schoenberg moved that the Senate nonconcur with the House in the adoption of their amendment to said bill.

The motion prevailed.

And the Senate nonconcurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1923**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Lightford, **Senate Bill No. 1933**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Lightford moved that the Senate nonconcur with the House in the adoption of their amendment to said bill.

The motion prevailed.

And the Senate nonconcurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1933**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Haine, **Senate Bill No. 2091**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Haine moved that the Senate nonconcur with the House in the adoption of their amendment to said bill.

The motion prevailed.

And the Senate nonconcurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2091**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Harmon, **Senate Bill No. 2240**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Harmon moved that the Senate nonconcur with the House in the adoption of their amendment to said bill.

The motion prevailed.

And the Senate nonconcurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2240**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Hunter, **Senate Bill No. 2473**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Hunter moved that the Senate nonconcur with the House in the adoption of their amendment to said bill.

The motion prevailed.

And the Senate nonconcurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2473**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Hunter, **Senate Bill No. 2474**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Hunter moved that the Senate nonconcur with the House in the adoption of their amendment to said bill.

The motion prevailed.

And the Senate nonconcurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2474**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Kotowski, **Senate Bill No. 2486**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Kotowski moved that the Senate nonconcur with the House in the adoption of their amendment to said bill.

The motion prevailed.

And the Senate nonconcurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2486**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Kotowski, **Senate Bill No. 2506**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Kotowski moved that the Senate nonconcur with the House in the adoption of their amendment to said bill.

The motion prevailed.

And the Senate nonconcurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2506**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Link, **Senate Bill No. 2514**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Link moved that the Senate nonconcur with the House in the adoption of their amendment to said bill.

The motion prevailed.

And the Senate nonconcurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2514**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Garrett, **Senate Bill No. 2538**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Garrett moved that the Senate nonconcur with the House in the adoption of their amendment to said bill.

The motion prevailed.

And the Senate nonconcurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2538**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Harmon, **Senate Bill No. 2640**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Harmon moved that the Senate nonconcur with the House in the adoption of their amendment to said bill.

The motion prevailed.

And the Senate nonconcurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2640**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Harmon, **Senate Bill No. 2643**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Harmon moved that the Senate nonconcur with the House in the adoption of their amendment to said bill.

The motion prevailed.

And the Senate nonconcurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2643**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Martinez, **Senate Bill No. 2827**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Martinez moved that the Senate nonconcur with the House in the adoption of their amendment to said bill.

The motion prevailed.

And the Senate nonconcurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2827**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Noland, **Senate Bill No. 2875**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Noland moved that the Senate nonconcur with the House in the adoption of their amendment to said bill.

The motion prevailed.

And the Senate nonconcurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2875**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Raoul, **Senate Bill No. 2879**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Raoul moved that the Senate nonconcur with the House in the adoption of their amendment to said bill.

The motion prevailed.

And the Senate nonconcurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2879**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Forby, **Senate Bill No. 2906**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Forby moved that the Senate nonconcur with the House in the adoption of their amendment to said bill.

The motion prevailed.

And the Senate nonconcurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2906**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Forby, **Senate Bill No. 782**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Forby moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Lauzen	Righter
Bivins	Forby	Lightford	Risinger
Bomke	Frerichs	Link	Rutherford
Bond	Garrett	Luechtefeld	Schoenberg
Brady	Haine	Maloney	Silverstein
Burzynski	Halvorson	Martinez	Steans
Clayborne	Harmon	Meeks	Sullivan
Collins	Hendon	Millner	Syverson
Cronin	Holmes	Munoz	Trotter
Crotty	Hultgren	Murphy	Viverito
Cullerton	Hunter	Noland	Watson
Dahl	Jacobs	Pankau	Wilhelmi
DeLeo	Jones, J.	Peterson	Mr. President
Delgado	Koehler	Radogno	
Demuzio	Kotowski	Raoul	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 782**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Demuzio, **Senate Bill No. 2431**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Demuzio moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Lauzen	Righter
Bivins	Forby	Lightford	Risinger
Bomke	Frerichs	Link	Rutherford
Bond	Garrett	Luechtefeld	Schoenberg
Brady	Haine	Maloney	Silverstein
Burzynski	Halvorson	Martinez	Steans
Clayborne	Harmon	Meeks	Sullivan
Collins	Hendon	Millner	Syverson
Cronin	Holmes	Munoz	Trotter
Crotty	Hultgren	Murphy	Viverito
Cullerton	Hunter	Noland	Watson
Dahl	Jacobs	Pankau	Wilhelmi
DeLeo	Jones, J.	Peterson	Mr. President
Delgado	Koehler	Radogno	
Demuzio	Kotowski	Raoul	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2431**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Cullerton, **Senate Bill No. 2435**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Cullerton moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Lauzen	Righter
Bivins	Forby	Lightford	Risinger
Bomke	Frerichs	Link	Rutherford
Bond	Garrett	Luechtefeld	Schoenberg
Brady	Haine	Maloney	Silverstein
Burzynski	Halvorson	Martinez	Steans
Clayborne	Harmon	Meeks	Sullivan
Collins	Hendon	Millner	Syverson
Cronin	Holmes	Munoz	Trotter
Crotty	Hultgren	Murphy	Viverito
Cullerton	Hunter	Noland	Watson
Dahl	Jacobs	Pankau	Wilhelmi
DeLeo	Jones, J.	Peterson	Mr. President
Delgado	Koehler	Radogno	
Demuzio	Kotowski	Raoul	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2435**.

Ordered that the Secretary inform the House of Representatives thereof.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Trotter, **House Bill No. 6339** was taken up, read by title a second time and ordered to a third reading.

At the hour of 3:54 o'clock p.m., the Chair announced that the Senate stand adjourned until Thursday, May 29, 2008, at 11:00 o'clock a.m.